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THE LEAGUE'S BUSINESS

A Recognition.—Hon. W. D. Foulke, a former president of the National Municipal League and a staunch member, was given a community dinner by the Richmond, Indiana, Rotary Club on the occasion of his seventy-seventh birthday. Mr. C. R. Woodruff represented the National Municipal League and spoke briefly on the helpful service Mr. Foulke has always given the League.

⁂

University Professors Appointed to City Planning Commission.—Professors F. G. Bates and D. A. Rothrock of Indiana University have been appointed to the city planning commission by the mayor of Bloomington. It is a pleasure to note this frank recognition of the need of those who have specialized in theories of government as applied to municipal activities.

⁂

National Municipal League Series of Monographs.—The second book in this series, "Depreciation in Public Utilities," by Delos F. Wilcox will be ready for distribution January 1.

Mr. Wilcox, a public utility expert well known to readers of the REVIEW, discusses in this monograph the causes of confusion in measuring depreciation, the most disputed factor in rate making, and proposes a reasonable theory of accrued depreciation, while the last part of the book is given over to illustrations of street railway practice in measuring depreciation.

The price of the book is $2.00; orders may be placed now for early delivery.

The demand for the first book in this series, namely, "Municipal Budgets and Budget Making," by A. E. Buck, still continues. Orders for it have come from Canada, France, India, Italy, Sweden, England, South Africa and Holland as well as from all sections of U. S. A.

⁂

Pittsburgh Addresses on Regional Planning and Regional Government.—The addresses delivered by Mr. Thomas Adams (on regional planning) and by Professor T. H. Reed (on regional government) will be published in the February issue of the NATIONAL MUNICIPAL REVIEW. It is regrettable that stenographic notes of these addresses were unavoidably delayed and therefore the addresses could not be included in the January REVIEW.

⁂

Pittsburgh Addresses on Getting Results in City Planning and Zoning and Financing Improvements Within the Region.—Mr. H. Bartholomew's address on "Getting Results in City Planning and Zoning" and Mr. Lawson Purdy's address on "Financing Improvements Within the Region" are both being printed in pamphlet form by the American Civic Association. Copies may be secured by addressing that organization in Washington.

NATIONAL MUNICIPAL REVIEW

VOL. XV, No. 1 JANUARY, 1926 TOTAL No. 115

EDITORIAL COMMENT

The National Budget for 1926–27

On December 9 President Coolidge transmitted to Congress the national budget for the fiscal year beginning July 1, 1926, together with his annual budget message. This is the fifth budget prepared by the bureau of the budget under the direction of the president. The contents and arrangement of this document show considerable improvement over the first budget. The budget information as now compiled is more complete, and it is gathered under a uniform expenditure classification promulgated by the comptroller general's office.

The president's budget message has become the most important feature of the budget from the standpoint of the public. To this message the taxpayer may turn and in a short time get a general picture of the finances and the fiscal policy of the national government as presented by the president. For this reason, the message which accompanied the recent budget was widely printed in the newspapers of the country.

The national budget for 1926–27 has been fixed at $3,896,207,921, including the postal expenditures. This is $154,420,800 more than the estimated expenditures for the current year. Excluding the postal expenditures, which it is estimated will exceed by $37,100,000 the postal revenues, the estimated expenditures of the budget year are higher than those of the current year by $50,600,000. This represents largely an increase in the departmental and operating expenditures of the national government. Only a few of the departments and independent offices have had their expenditures for the budget year decreased below those of the current year. The largest reductions have been made in the expenditures of the department of the interior and the shipping board: these amount to slightly over $10,000,000 in each case. The majority of the departments and agencies are alloted increases over the budget of the current year. These increases are comparatively small except in two instances: the veterans' bureau gets an increase of $53,000,000 and the navy department an increase of $20,000,000.

The receipts of the national government for the budget year are estimated at $3,824,530,200, exclusive of postal receipts. The excess of receipts over proposed expenditures for this year is $330,307,800.

One of the most significant statements in President Coolidge's budget message is that the budget has practically reached the minimum of post-war expenditures necessary to carry on "the legitimate business of government."

His conclusion is that "the normal expansion of the business of government in keeping pace with a growing nation will involve added expenditure from year to year." If this be true, can we hope for further tax reduction after this year when the present surplus will have been consumed? Of course, the interest on the public debt is gradually shrinking, the postal revenues may increase to equal the expenditures of the postoffice department, and the government's policy of aid in state highway construction may be modified. These things should tend to keep the total expenditures down for a while.

Assuming that the ordinary civil expenditures of the national government have reached a post-war minimum, it is interesting to note the relation they now bear to those for the same purposes in 1916. The *Statistical Abstract* for 1924, prepared by the bureau of foreign and domestic commerce, lists the ordinary civil expenditures (p. 147) as being $199,555,000 in 1916 and $1,047,270,000 in 1924. The expenditures for the war and navy departments, the Indians, pensions, postal deficiencies, and interest on the public debt are excluded. On the basis of these figures, the expenditures for civil purposes in 1924 are more than five times the amount of such expenditures in 1916. After having adjusted the 1924 figures to the pre-war price level of 1916, the expenditures for civil purposes in 1924 are three and one-half times that of 1916. The proposed expenditures for these purposes in the 1926–27 budget stand at about the same level as in 1924. And this, apparently, is the final result of five years' effort on the part of the administration with the assistance of the budget bureau to reduce the expenditures of the national government for civil purposes.

Political Bosses and the Phantom Public

Are political bosses getting thin skinned? Walter Lippmann thinks they are, especially the younger set of Tammany leaders. He gives his reasons for thinking so in an article contained in this issue, which is abstracted from his Pittsburgh speech to the members of the National Municipal League and other agencies.

Mr. Lippmann follows the theme of his recent book on "The Phantom Public." He shows that a knowledge of the details of government and a sustained interest in public affairs is now practically beyond the ken of everyone. "The best anyone can do is to know a little about something and very little about the rest." If this be true, then the best the public can do is to intervene in a "crisis of maladjustment"; at other times it is a "phantom" so far as its influence upon the affairs of government is concerned. Mr. Lippmann believes that an independent newspaper and an independent fact-finding agency are indispensable in any city, that they are the best means of giving the public some idea, faint as this idea may be, of the work of the government.

⁂

The New York State Reorganization

As noted in the previous issue of the Review, the constitutional amendment providing for the reorganization of the state administration was adopted by the people of New York at the November election. This amendment requires that the entire state administration, consisting of more than 150 separate agencies, shall be organized into 20 departments. These departments are named in the amendment and in some instances their jurisdictions are roughly defined. In the case of most of the departments, however, the scope of work is indicated only by the departmental name and the legislature is free to assign to each of these departments such functions as may seem proper. This means that the success of the reorganization plan and the economies that may come from its adoption will depend largely upon the action of the legislature in framing and passing the necessary law or laws to carry out the plan.

Governor Smith and others interested in the reorganization are fully aware of the importance of working out a careful and detailed plan as a basis for drafting the required legislation. In order to do this, an unofficial commission of fifty-six leading persons from all parts of the state and representing the various interests involved has been selected. Charles E. Hughes is chairman of this commission. The various members of the commission have been assigned to work on fifteen committees, representing the major functions of the state administration. These committees are all busily engaged, at the time of this writing, working on their assigned tasks. It is understood that Mr. Hughes intends to bring together the plans of the various committees and combine these into a master plan for the entire state administration. This plan will be presented to the 1926 legislature early in the session. The legislature, however, is not compelled to act upon the plan at this session, and there has been some talk of deferring action for political reasons until 1927.

Undoubtedly, the Hughes commission and the state legislature, in framing the reorganization plan and enacting legislation to carry it into effect under the constitutional amendment, will want to follow the standards developed in other states where administrative reorganization has been carried out. We are fortunate in being able to publish in this issue of the Review an article outlining the salient features of state reorganization as viewed from the standpoint of the Illinois experience. This article was written by Frank O. Lowden, who was governor of Illinois at the time the reorganization plan was adopted in that state and who was the moving force behind its adoption.

*

Custody of County Funds

The custody and management of county funds is an unexplored field of public finance. There have been many scandals in connection with the handling of county funds, but practically none of them has been thoroughly investigated and reported. For this reason, we are glad to publish in this issue of the Review an article by Martin L. Faust, describing the embezzlement and misapplication of funds belonging to Allegheny County, Pennsylvania. The embezzler, a banker and coal operator by the name of John A. Bell, was found guilty by the local court on December 8. Mr. Faust has presented a vivid picture of the political manipulations by which the county funds were diverted by Bell to the financing of private speculative ventures. The methods used by Bell were as daring as any ever employed by Quay in handling the state funds of Pennsylvania. Mr. Faust has fully described the latter in his recent book on "The Custody of State Funds."

*

Our City Councils

This issue of the Review contains the sixth article in our series on city councils. We especially recommend this article on the Pittsburgh city council to our readers. It is written by Charles F. Lewis, chief editorial writer of *The Pittsburgh Sun.* Mr. Lewis presents in an illuminating style the general character, working organization, methods of procedure, and political connections of this city council, which he calls both a "triumph and a despair."

⁂

Washington Cities and Towns Default on Bonds

Since the World War many of the cities and towns of Washington have shown great enthusiasm for improvements. Local improvement district bonds to the extent of millions of dollars were issued under a law which affords their holders no adequate protection. Assessments on abutting property were the only means of payment provided. The property owners in many instances wouldn't or couldn't pay the assessment. As a result there has been an extensive default in the payment of the interest and principal of these bonds. On this situation, Governor Hartley says in his message to the special session of the legislature called on November 9:

> The manner in which local improvement district bonds are handled in this state is little short of criminal. We have set up machinery whereby the promoter and the bond salesman, under the respectability of law and in the name of our cities and towns, may swindle the public. It is time that repudiation was rendered impossible and this legalized fraud stopped.
>
> My mail is full of complaints from purchasers of Washington local improvement district bonds, most of them residents of other states and people of moderate means. The stories of all are the same. They have been advised that the bonds they hold, bonds which bear the signature of the mayors and clerks of the municipalities, are not worth the paper they are written on. A recent report compiled by the Municipal Securities Committee of the Investment Bankers of America, shows that 17 Washington towns examined have a total of $3,757,671 of local improvement district bonds outstanding and admit defaults of $1,439,710. The report says, "Such a condition has been unequalled in any other state in the country in the last 25 years. It is undoubtedly true this deplorable situation is most seriously affecting the credit standing of the entire State of Washington and the further publicity which will now necessarily result will accentuate it." Continuing, the report says this condition is not only serious, but disgraceful and is, no doubt, annually costing the taxpayers of this state much more than the total defaults. I most heartily agree.
>
> Year after year we are extending our efforts and paying our taxes to build up blue sky law enforcement, to protect investors and prevent people from putting their savings into worthless securities. Yet all the while we are encouraging our municipalities to put out bonds compared to which the most worthless oil and mining stocks are far less dangerous, because the people have been warned against such securities.
>
> Immediate steps should be taken to correct this situation. Chapter 141, Session Laws of 1923, should be amended to make the creation of a guarantee fund mandatory upon, rather than optional with, the municipalities, and city councils should be given discretionary powers over the creation of local improvement districts.

⁂

Practical Politics in Philadelphia

Should we not expect the "City of Brotherly Love" to abound in political virtue? Such, however, does not seem to be the case. At least, this is borne out by Austin F. Macdonald's article on "Philadelphia's Political Machine in Action," printed in this number of the REVIEW. This article gives some startling facts on the fraudulent voting and political machine maneuvering at the election on November 3. Mr. Macdonald's concluding remark is to the effect that "many Philadelphians are puzzled to determine whether their city has lost all sense of political decency or whether it ever had any."

PUBLIC OPINION AND THE POLITICIANS[1]

BY WALTER LIPPMANN

Chief Editorial Writer of the New York World

Mr. Lippmann presents briefly some striking views on public opinion, politicians, and political reform. :: :: :: :: ::

I SHOULD like to lay before you a few simple observations about the nature of public opinion in cities, looked at from the point of view of those who are interested in the improvement of the methods of city government and of the adoptions of programs worked out by scientific people. The voting population of the city may be divided roughly into two groups of unequal size: the first and larger group consists of those who are regular partisans of one of the machines. The second and smaller group consists of those who have no strong personal attachment to either machine, and therefore are not certain to vote in any particular way. The first group are the partisans and the second group are the independents.

THE PUBLIC CANNOT KNOW THE DETAILS OF GOVERNMENT

On the whole the bulk of people in both groups cannot be said to have a comprehensive knowledge of the administration of the city, a continuous interest in that administration or an adequate knowledge of its problems. I say this without the intention to reflect upon their intelligence or their public spirit. I think I may say, for example, that I read the newspapers with more than average care and industry, since I am paid to do that. I see more people interested in the government of the city of New York than the average busy man. I have more time to study the problems of New York than the average man, and yet I find it entirely impossible to keep abreast of the work of the various departments in the city, or to know with any intimacy and detail even the dozen major problems which the administration has to deal with. I am convinced that a really thorough knowledge of public affairs, even in the city, ignoring all the problems of the state and the nation and the world, is now beyond the competence of practically everybody. The best anyone can do is to know a little about something and very little about the rest. The interest in public affairs is bound to be spasmodic. We can only think about problems from time to time. Our judgments of men and parties and manners are almost certain to be based upon limited samples, somehow connected with our own immediate knowledge or experience or circle of talk. Practically none of us is in a position to analyze questions, to see their past, to predict the future, to work out solutions. As a general rule we are limited to saying Yes or No to some proposal that's made for us, or to decide on John Smith rather than on Tom Brown.

THE INDEPENDENT AND THE PARTISAN

This inability to deal with the facts is as characteristic of the independent as it is of the partisan. The real difference in the intellectual processes of these two types of voter lies here: the partisan attaches himself to a governing hierarchy which offers him certain immediate personal satisfactions, and trusts this hierarchy to work things out as best it can. The independent, on the other hand, trusts himself now to this man, now to that man, now to this group of experts and now to that group of experts. Partly, perhaps, by rational judgment, but rarely, I believe, by conscious decision, he comes to the conclusion that this is the kind of a person he believes in. Political reform in America has been based on the independent voter, that is to say, on the man with a casual and spasmodic concern with public affairs. The hopes of reform have been based upon the occasional uprising of the independents against the professional politicians with their organized following of habitual and patronage-fed partisans. The dream of reform has consisted in the rescue of the distressed maiden from the clutches of the machine politicians by the pure and noble independent.

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[1] Abstract of a speech made at the luncheon of the annual meeting of the National Municipal League held at Pittsburgh, November 18, 1925.

THE REFORMER VERSUS THE POLITICIAN

Thus the word reformer and the word politician have come to mean two flatly opposing things. A reformer is supposed never to be a good politician and a good politician is supposed never to be interested in reform. A reformer is supposed to be always at war with the machine. A politician is supposed to be always at work resisting and obstructing plans of reformers. I think I do not overstate the case when I say that the municipal reform movements of this generation have been based on the premise that the American party organization is incapable of furnishing good government.

Twenty years ago, or even ten years ago, there was a good deal of justification for this attitude. The professional politician was generally a man educated in the school of life, but utterly uneducated in law and in economics, in the use of statistics and in the science of government. The professional reformer, on the other hand, generally belonged to the upper classes and possessed their traditions together with an old-fashioned academic training in politics and economics. But he was sadly uneducated about the motives, the habits and the real needs of simple people and especially of those who had recently come from Europe.

TAMMANY HALL OF TODAY

As far as New York is concerned, and I must speak of New York because it is the only large city that I know at all well, a vast change is taking place in the equipment and outlook of the professional politician. I suppose that even today the name Tammany Hall sums up for most people all that is predatory and corrupt in municipal politics. I think we may assume that Tammany is no better and no worse than the ordinary municipal political machine, and if we note a vast change, as I think we must, in the character and leadership of Tammany in New York, I venture to say that similar changes are taking place in the character and leadership of other city machines. I don't think Tammany was ever unique in its evil and I don't believe now it is unique in its undoubted improvement. The plain fact about Tammany today is that the new generation of Tammany men is utterly unlike the conventional reformer's picture of professional politicians. These new Tammany men are the sons or the protégées, most of them, of professional politicians who made money out of politics. But that money was used by the older generation to send their sons to college and to law schools. And so today, if you meet a group of men who are controlling the policies of Tammany Hall, you will find a very typical group of successful city men—successful lawyers, successful business men and I might add, constant but unsuccessful golf players. You won't find the new generation of Tammany men spending their time in the bar rooms on the Bowery. These things may sound trivial, but in fact they denote a very great change in the social outlook of the machine politician. It can be summed up by saying that he is ceasing to be a thick-skinned social outcast; outcast because he is predatory and predatory because he is outcast. He is becoming instead a somewhat thin-skinned person, anxious to stand in well with the newspapers and the leaders of his community.

POLITICAL BOSSES NOW SENSITIVE TO CRITICISM

I think I have noted the change in my own rather brief experience on the staff of a newspaper. When I first began to be interested in these things, we denounced and derided and cartooned the politician unmercifully. So far as I could find out we never disturbed his digestion nor affected his power. Today I sometimes find the politician has become as sensitive to criticism as a prima donna. If I were sure that all the criticism offered him were sound, I am sure this would be a good thing. At any rate, with this vastly increased sensitiveness to the opinion of the community there has come a realization on the part of the leading machine politicians that the old job-grafting type of government was not such very good politics after all, and that the things reformers want are not necessarily contrary to human nature.

THE GRAND STRATEGY OF REFORM

So if I were to offer any advice on what you might call the grand strategy of reform, if I were permitted to make a suggestion as to what ought to be the fundamental attitude of men who are interested in city planning, in budget reform, in health, education, housing and the like, it would be this: abandon the notion that the professional politician and the political machine are necessarily your mortal enemies. Abandon the notion that the prelude to reform must be the destruction of the machine. And instead recognize that the machine may be capable of expanding from an institution that humanizes the law in detail to an institution that may assimilate and make its own, and therefore put into practice, the things you are working for.

NECESSARY AGENCIES OF REFORM

If this new attitude toward the politician and the political machine is to be attempted successfully, there are, however, two necessary conditions. You must have in any city where you try it at least one independent newspaper and a well-financed independent fact-finding agency for studying municipal questions. The fact-finding agency is fundamental and necessary because without it independent opinion lacks the material for solid judgment and the independent newspaper is essential because without it disinterested judgment and disinterested analysis of the work of government cannot be obtained or brought before the public. But if these two conditions are fulfilled then I think that at the least the reformer ought to experiment sincerely with the attitude which I have suggested.

Naturally no one can give any guarantees, but if I read the political facts correctly, political organization in a democracy has its roots so deep in necessity and habit and the limitations of human capacity that the permanent abolition of the machine is an impossible ideal. If I read the recent political history of great cities like New York and Chicago correctly, then the old fundamental hostility to the politician is no longer justified. I am in favor of trying a friendly but watchful co-operation with professional politicians. If the experiment turns out well we shall have put behind reform the vast human power of political organization. If the experiment fails we shall certainly be no worse off than we are now.

REORGANIZING THE ADMINISTRATION OF A STATE[1]

BY FRANK O. LOWDEN

Ex-Governor Lowden discusses state reorganization in the light of what has been accomplished in Illinois. He refers to the situation in the federal administration at Washington. :: :: :: :: ::

DURING the last century every great private industry has undergone a complete transformation. As civilization has become more complex the machinery of business has changed continuously to meet its changing needs. In the machinery of government alone progress has not kept apace with the needs. Yet the business of government has grown in complexity and in the number of subjects with which it deals quite as rapidly as has private enterprise. This failure has been due largely to the fact that until recent years the total expenses of government were so small relatively as to influence but little the general prosperity of the country. During political campaigns, parties frequently charged each other with extravagance, but the people were little interested because the revenues were largely derived from indirect sources and no burden was felt.

Now, however, state and federal taxes, by virtue of their weight, have become directly related to all economic questions of the day. Who can doubt that the heavy taxes levied by government are an important factor in the high cost of living? The government is powerless to prevent a substantial part, at least, of such taxes being passed on to the consumer. We now see that no form of taxation has been devised which will be borne by the rich alone. The community as a whole, in one form or another, must pay the cost of government.

Business and industry generally, in making plans for the future, must reckon first with the question of taxes, which have reached the point where private initiative is discouraged and where enterprise in some cases halts.

Even before the war men were impressed by the continued increase in the expenses of city, state and national government. The activities of government have multiplied rapidly during recent years. When the state or nation had decided to take on some new function, instead of fitting it into some agency of government already established, it usually created an entirely new body. Sometimes it was an official; oftener it was a board or commission.

The commission had come to be a

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[1] This article includes material from an address recently delivered by ex-Governor Lowden before the School of Citizenship at the University of Chicago.

very popular form. It provided good places for aspirants to office, and, being a law unto itself, the members could attend to their private affairs and give one or two days a month—usually about the time the pay rolls were made up—to the public service. When once commissions were created it was almost impossible to abolish them. There is nothing more difficult in government than to get rid of a lucrative office once established. This practice had become quite general.

EXPERIENCE IN ILLINOIS

When I became governor of Illinois, in January, 1917, there were something over one hundred and twenty-five independent and unrelated agencies of the state government, sometimes composed of boards, sometimes commissions, and sometimes individual officials. In fact, so confused was the situation that no two agreed upon just exactly how many independent activities the state was conducting. Necessarily, this resulted in much overlapping of work. In purchases there was competition between the different agencies of the government, and there was, of course, needless expense. Above all, there was greatly reduced efficiency. In theory these various offices were supervised by the governor, but in fact it was absolutely impossible for him to exercise any adequate supervision over them. They were scattered over the state, frequent personal contact with them was out of the question, and for all practical purposes the state government was without an actual head. Energetic and competent administration was impossible.

One consequence of this haphazard method, or lack of method, of government was lack of law enforcement. Something went wrong or seemed to go wrong, and a law was enacted, and there the matter rested, as though the law were an end in itself. We were confronted with a problem requiring solution and then the legislature passed the problem on to a commission and felicitated itself that it had solved the problem. It is a grievous error to enact a law and then to disregard it. Even the best law badly administered is worse than none. For ours is a government of law. In America the sovereign power resides in the people, but the people speak only through the law. Whenever, therefore, law is disregarded, the sovereignty of the people is insulted, and no sovereign power, whether it be *demos* or king, can long rule unless it has the vigor and the will to vindicate itself.

The problem was to gather up the scattered agencies and to reorganize them into departments of government. Upon a study of the nature of these agencies, we concluded that they logically fell into nine groups. We then abolished the more than one hundred and twenty-five boards, commissions and independent offices, and created nine new departments, to take over their functions. These departments were: (1) finance, (2) agriculture, (3) labor, (4) mines and minerals, (5) public works and buildings, (6) public welfare, (7) public health, (8) trade and commerce, and (9) registration and education. The powers and duties of each department were defined by the code.

COMMISSIONS VERSUS INDIVIDUALS IN ADMINISTRATION

The question then arose as to whether these departments should be under the control of individuals or of commissions. In acquiring the habit of creating a board or a commission to take care of government work, we have assumed that if something important was to be done it would be best done if done by a body of men, and not an individual. The fact is—as all who have had experience in business of any kind know—that it is the individual who does things, not a board or a commission. There is no commission anywhere, there is no board anywhere, that does things affirmatively unless it is dominated by one man, and the only benefit from the other members of that body is in their advisory capacity.

Always it is an individual on the board or commission who takes the initiative, and the body is fortunate if the other members do not hamper him. I am speaking now of administration. A commission may be desirable where quasi-judicial or quasi-legislative powers are exercised. Where, however, the duties are purely or largely ministerial, experience has shown that it is a man, not a body of men, who gets results.

There are some who have assumed that large responsibility could be more safely deposited in a body of men than in a single man. Experience has not justified this. Where the responsibility is upon the individual, he cannot shirk it. Where it is placed in a body of men, the individual can find shelter behind that body, when called to account for the manner in which he has exercised his power.

There also is a deadly inertia in a board or commission which is not so likely to be found in the individual. It is a true saying that "what is everybody's business is nobody's business." It is equally true that where several members of a board or commission share a given responsibility, no one of them feels that responsibility as keenly as though he bore it alone. Good and efficient public service makes it mandatory that responsibility be fixed definitely. Then only can a public official be held to a strict accountability. Responsibility can be definitely placed only if it be reposed in an individual. For these reasons, in Illinois we placed at the head of each of the nine departments an individual, whom we called a director, and not a board or commission.

In his recent biography, Henry Watterson illuminated this point:

> Patriotism cries "God give us men," but the parties say "Give us votes and offices," and Congress proceeds to create a commission. Thus responsibilities are shirked and places are multiplied.

ADVISORY AND SUBORDINATE OFFICERS

It may happen, however, that the head of a department, upon some important question of policy, would like the advice of able and experienced men. We, therefore, provided advisory committees. The members serve without pay. We have found that many of the ablest men in Illinois are perfectly willing to serve upon an advisory committee without pay, although they could not be induced to take a salaried position. In this way we availed ourselves of the best talent within the state upon the various subjects of state administration.

The Illinois civil administrative code provides for the various subordinate officers within the several departments. It does not, however, attempt to define their precise duties. These duties are prescribed in rules and regulations formulated by the head of the department, and not by statute law. Much debate arose over this proposition. It was objected that this conferred too much power upon the individual head of a department. Many thought that the code should define precisely the duties of the heads of divisions in the several departments.

CAUSES OF "RED TAPE" IN ADMINISTRATION

In my judgment, to have adopted that theory would have greatly impaired the efficiency of the code. "Red tape" would have inevitably crept in. Much of the delay, the inconvenience, even the inaction which results from what we call "red tape" is not so much the fault of the official as it is of the law. This is true alike of laws of the state legislatures and Congress. Where Congress, in launching government into some new activity, has created a bureau or division, the law makers have customarily gone into infinite detail—they have prescribed with exactitude the duties of each official; they have so limited and delimited the powers to be exercised that the bureau or division is in no sense under the control or direction of the head of the department to which it belongs. The result is inevitable. Instead of actually molding and directing a single department in all its parts, he becomes the presiding officer over a large number of bureaus, each of which is practically independent of all the others.

It is said that there are ten departments of government at Washington. That is so only in name. In fact, there are many times ten independent and practically unrelated agencies of government there. No department under these circumstances can avoid becoming rigid and lawbound, and "red tape" necessarily becomes the rule. If, instead, the department head were authorized to prescribe the duties of subordinates, the "red tape" would largely disappear. The responsible head would have power commensurate with his responsibility. Instead of an inert mass you would have a living organism with an actual head.

Democracy has been afraid of itself and of its own chosen officials, and has hedged them about with so many restrictions that genuine efficiency has been well-nigh impossible. We have framed our laws as though they were to execute themselves, providing in detail for every contingency, leaving no means by which the head could meet unforeseen contingencies. We have gone on the theory that we could tie men's hands for evil, but at the same time leave them free for good.

THE SITUATION IN THE FEDERAL ADMINISTRATION

In the last few years all pretense of keeping up the departmental form of organization of the federal government with its activities distributed among the ten departments has been abandoned. There are now something more than forty independent establishments of government within no department of government and answerable directly to the President. It is obvious that the President can have no knowledge of, much less exercise supervision over, these independent agencies of government. There should not be a single function pertaining to administration which does not come directly under some cabinet official. The President, or chief executive of a great state, with his multifarious duties pressing upon him, cannot be safely depended upon properly to direct any administrative activity unless the intiative comes from the head of a department.

A short time ago, owing to the death of President Harding, the public interest was awakened to the need of doing something to save the President of the United States from his exacting duties. Some have suggested an assistant president. Others have thought that an extension of the civil service would afford some measure of relief, and still other remedies have been proposed. It seems to me that none of these proposed changes go to the root of the matter. It was not subjects which were clearly and unequivocally committed to one of the departments of government that laid upon the President his heaviest burdens. It was those matters which lay outside of the departments and which had been entrusted to some one or more of these boards and commissions which were wholly outside of any department of government. Questions relating to the Shipping Board, to the Interstate Commerce Commission and to the War Labor Board will readily occur to your minds. No one of these agencies of government was under the direction of a member of the cabinet, but responsible only to the President. Even where these officials have quasi-judicial duties to perform, as in the case of the Interstate Commerce Commission, there is no reason why the commission should not be allocated to some department, as in the latter case, to the Department of Commerce, if you please. Though such a commission has duties of a judicial character to perform, much of their work is purely administrative, and therefore should properly come under the control of some member of the cabinet. If it is the administrative features of these public bodies outside of the departments which imposed these burdens upon the President, why should he not be relieved of them. This is what we did in Illinois. There we have a public utilities commission with powers over intra-state commerce, very similar to the powers of the national commission over interstate commerce. Our commission was incorporated into the department of trade and commerce, left wholly free in its decisions upon rates and kindred questions, but under the direction of the department in all administrative matters. This disposition of the commission has worked well in Illinois and has relieved the governor of much detail that has been better performed by the head of the department.

Our cabinet officers have been regarded too much as mere advisers to the President and not enough as responsible heads of important departments of government. They should be considered as holding positions analogous to the position of vice-president in our great industrial organizations. As such, they should be required to perform all the routine work of their several departments. To illustrate, we have a Department of War. There presides over that department today one of the most competent officials in the country. When any commission in the army is to be signed, it must be signed by the President. In any private business the signature of the actual head of the department would be considered sufficient. This is but one of the innumerable routine duties that are now laid upon the President and which could be as well or better performed by the heads of the several departments. I was told by a high official in the Wilson administration that President Wilson, during the war, frequently spent several hours a day in signing his name. What a tragic waste of time and energy for him upon whom grave duties rested!

GOVERNOR IN COMMAND OF STATE ADMINISTRATION

The chief officials under the Illinois code, such as directors of departments, have their offices in the Capitol at Springfield. The directors of departments and the adjutant general, who is the head of the military department of the state, constitute the governor's cabinet. The governor thus is in daily touch with every activity of the state government. If a weakness develops in the remotest part of the state, he has the means at hand to correct it promptly through the head of the proper department. The head of the department, in turn, through his chiefs of division, over whom he has complete control, can at once reach the weak spot.

An outstanding achievement of the code was that of locating and correcting extravagance and incompetency. This was done through the department of finance, one of the nine departments, as we have seen. This department was made the keystone of the structure. It exercised two sets of powers: (1) it was charged with the general supervision of the finances of the state; and (2) it was required to prepare a budget.

The department of finance was a new conception in our state government—and in the government of any American state, I think. Its function was to see that the government lived within its income, that unnecessary expenditures were checked, that unwise expenditures were prevented and the policies of departments were controlled and co-ordinated. While other departments were imbued with the ambition to extend departmental activities, the department of finance occupied the position of sympathetic critic, proportioning expenditures so as to carry out all administrative policies. By this means a well-balanced administration, serving the needs of the whole state, was secured. Without it, expenditures were incapable of apportionment in accordance with the needs of the various branches of government.

FISCAL CONTROL ESTABLISHED

Financial control occupied a large part in the activities of the department. The law charged it with the duty of prescribing a uniform system of bookkeeping, with the duty of examining and approving, or disapproving, of all bills, vouchers and claims against the other departments. This power compelled other departments, not as a matter of law, but as a matter of administrative expediency, to consult the department of finance before any unusual expenditure was made and to procure its advice. In order still further to promote co-ordination of expenditures, as well as co-operation among the departments, meetings of directors were held and financial as well as other policies were discussed. The result of this procedure cannot be stated in dollars and cents. It did not appear upon any particular balance sheet. It was reflected in the general result, not only in unity and efficiency of administration, but in the tax levy, which, in times of mounting prices, had been reduced.

As has been seen, the department of finance was also required to prepare a budget of estimated expenditures and receipts, to be submitted to each regular session of the general assembly. In the exercise of his general supervision over expenditures, the director of finance in effect began the preparation of the budget a biennium in advance. That is, on the first of July, 1917, in approving or disapproving vouchers and investigating into the financial conditions, he was gathering information all the while to enable him intelligently to judge what the appropriations should be for the next biennium. When the next legislature met in January, 1919, the director of finance had a budget ready. He had the information he had acquired as to the needs of the various activities of the state in the exercise of his power of general supervision over the finances, and in addition he had been able to investigate, himself, when a request was made by any official charged with the expenditure of money, as to the exact needs of the case. The budget thus submitted went before the appropriation committees of the house and senate, and with very few changes was enacted into law.

COUNTY DEPOSITS USED TO FINANCE SPECULATIVE BANK

BY MARTIN L. FAUST
University of Pittsburgh

A vivid picture of the recent Bell fiasco in Allegheny County, Pennsylvania, where county funds, secured through political manipulations, were used to finance speculative ventures. :: :: :: ::

SINCE the days of Mathew Stanley Quay, once called "the Farmer-General of the State Finances," loose and unsavory methods in the handling of the public moneys have been ingrained in Pennsylvania administrative practice. Particularly in the counties, have the crude tactics of the Quay "technique" undergone little refinement. The latest tale of remarkable political financiering comes from Allegheny County (Pittsburgh). During the past few months citizens of this county have been reading the dramatic story of the financial collapse of John A. Bell,—leading citizen of Carnegie, Pennsylvania, millionaire banker, coal and oil operator, United States senatorial aspirant, state politician, stock farmer, and erstwhile Sunday-school superintendent. Incidentally the citizens and taxpayers have learned the ramifications of the elements of political, personal, and business friendships that have controlled the administration of the county funds.

BELL'S TRIO OF BANKS FAIL

In the latter part of April, 1925, the Carnegie Trust Company, the First National Bank of Carnegie, and the Burgettstown National Bank in quick succession closed their doors. John A. Bell completely dominated and controlled this trio of banks. The largest of these banks and the one upon which the failure of the others was entirely contingent was the Carnegie Trust Company. It was the chief instrument in the manipulations of Mr. Bell. The apparent cause of its collapse was the depreciation of coal land and coal securities owned by it through John A. Bell, or held by it as security. But the real cause was the one-man control with the consequent concentration of loans to one interest, namely, to that of John A. Bell. This was aggravated by the even more dangerous use of wrongful political influence, and the placing in this bank, through such influence, of unjustified deposits of state, county, municipal, and other public funds. The attorney general of Pennsylvania in a report to the governor on the affairs of the defunct bank pointed out that this political factor began its corrupting influence over thirty years ago, when, as treasurer of Allegheny County, Bell himself began to put moneys in preferred or favored banks. It was this ability and favor which led to his acceptance by some of these institutions as a desirable stockholder, director, president, and autocrat.

The concentration of loans and investments and the concentration of deposits in the case of the Carnegie Trust Company are shown by the following summaries from the attorney general's statement:

Loans and Investments

John A. Bell, direct liability......	$220,000
John A. Bell, indirect liability.....	335,750
John A. Bell, owned or controlled corporations..................	995,552

Loans for the accommodation of John A. Bell	$556,427
Bonds of Carnegie Coal Company dominated by Bell and held by the trust company as investment (practically its entire capital and surplus)	1,060,000
Total	$3,177,729

List of Deposits

Commonwealth of Pennsylvania	$170,000
County of Allegheny	1,325,438
Poor board, Allegheny County	185,361
Delinquent tax collector of Allegheny County	332,579
Pension board, Allegheny County	20,796
Other public funds, boroughs, townships, school districts	172,031
Total public deposits	$2,206,205
Deposits of John A. Bell, members of his family, affiliated corporations	154,508
Deposits of the general public	1,440,362
Total deposits	$3,801,075

The total resources of the trust company amounted to $4,866,699. It is, therefore, apparent that over 64 per cent of the total resources of the trust company were loaned to John A. Bell and his affiliated interests. Of the deposits 58 per cent were public funds, 38 per cent were the deposits of individual depositors, and only 4 per cent were the deposits of John A. Bell, the members of his family, and affiliated interests. According to a bank statement of April 9, 1925, the total checking account funds in the bank amounted to slightly more than $2,380,000. These figures also showed that 85 per cent of the bank's checking accounts were furnished from public funds. Allegheny County supplied 77 per cent of the total checking account deposits.

COUNTY FUNDS IN DEFUNCT BANKS

The close political relationship existing between the institution and the officials controlling the depositing of the county funds received further emphasis from a number of established facts. Treasury records of the past few years reveal that the Carnegie Trust Company always received the bulk of the county funds. While there were nine other county depositories, the deposits in the Bell bank frequently constituted one-quarter of the county's available funds, or more than three times the average in the other institutions. Investigations have also produced reliable information to show the deposits mounted high at certain times when large sums of money might have been needed by Mr. Bell. This was especially apparent during times when he was trying to meet interest payments on his coal company bonds. It was not unusual at such times for the deposits in the bank to be far in excess of the amount of the surety bonds protecting them. A former county treasurer, who has since become a county commissioner, maintained a balance in the trust company $1,000,000 in excess of the corporate surety on the county deposits. Finally there was the additional fact, and one most disconcerting to the taxpayers, that during the time when county funds to the amount of more than $1,500,000 were on deposit in the Carnegie Trust Company immediately subject to checking for the county's needs, the county authorities borrowed money to more than that amount in the open market and paid for it at a rate of interest in excess of the rate paid to the county by the trust company.

SURETY COMPANY MONOPOLY

It is true that most of the public funds on deposit at the time of the collapse were insured through surety company bonds. The county carried a total insurance on the general county funds of $1,330,000; $1,100,000 of this insurance was carried by one company, the Southern Surety Company of Des Moines, Iowa. The Southern Company "farmed out" all of this amount, except $100,000, among 19 surety companies. The Commercial Casualty Company of Newark, New Jersey, and the National Surety Company of New York were the only other original insurers. The Southern and the National companies have reimbursed the county to the full extent of their liabilities, or $1,100,000 and $150,000 respectively. But the Commercial Casualty Company has refused payment to the county of its liability of $80,000. In the exception filed in answer to the suit brought by the county to recover this amount, the company has built its defense on a charge of collusion and conspiracy between the county and the bank in the matter of putting money into the bank's care. This suit is now pending in the federal courts.

But this practice of permitting one surety company to monopolize the insurance dangerously compromised the element of security for the public funds. For a time many were puzzled to know why the Southern Company paid its $1,100,000 so readily. Pittsburgh bond men called attention to the fact that when five banks in Des Moines, Iowa, failed in January, 1925, the Southern Surety Company, whose home office is in Des Moines, carried $250,000 surety on public funds in those banks. These men declared that the company was fighting payment on those bonds in its home town. The Southern has also been experiencing considerable difficulty in recovering on the reinsurance bonds. According to one report it has had to pay from its own treasury $830,000 of its total liability of $1,100,000. Figures on the company showed a capital of $1,225,000 and a surplus of $745,000. Insurance and bond reports show that the company had an underwriting loss of 6 per cent in 1924.

MANIPULATIONS BY SURETY COMPANY

In statements in the press, after the Southern Company made its final payment to the county, the responsible public officials naïvely recommended to their constitutents in a very laudatory manner the reliability and the integrity of this surety company. But reasons for their solicitude and that of the company to remain in the good graces of the citizens were not far to seek. Disclosures by state insurance examiners have thrown considerable light on the connection between politics and bonding in Allegheny County. The examiners discovered evidence of a combination existing between the county officials and the Pennsylvania Underwriters' Association to control the surety business arising in county offices for the Southern Surety Company. It was disclosed, for example, that the Southern Surety Company had rated approximately 100 per cent in writing contract surety on the work let out on the $5,000,000 worth of bonds issued under the people's bond issue of $29,000,000.

Evidence found shows that there was formed in 1920 by Pittsburgh and Philadelphia politicians the General Underwriters' Association. The Association was the Pittsburgh agency for the Southern Surety Company at that time. "Then in 1924," according to a reliable authority, "when the $29,000,000 bond issue was to be spent under the present board of county commissioners, the Pittsburgh politicians on the General Underwriters' Association thought they need not halve the profits with the Philadelphia politicians. Then the Pittsburgh branch formed the Pennsylvania Underwriters' Association and took over the Pittsburgh end of the Southern Surety Company." Senator Leslie, state senator and Republican boss, it was revealed, had owned 80 shares of stock in the Association. But he withdrew his ownership of stock, because, as stated, "it would not look well for him to be openly connected with a concern doing so much business in the county." The state probers discovered that in the county department of public works and other offices where surety bonds were needed in county business, the officials and employees became active advertisers for the Southern Surety Company and the Pennsylvania Underwriters' Association. When a contractor went to the public works department for information on bidding on county work, a card was handed to him telling him of the Southern Surety Company and its Pittsburgh agency, the Pennsylvania Underwriters' Association.

Another incident, occurring at this same time, revealed the connection between bonding and the placing of the deposits. Shortly after the insurance examiners had begun their investigations, a bank director and former county commissioner, in a letter to the state banking department, charged that the county treasurer, Mr. Foster, threatened to deprive the Peoples Bank of McKeesport of any county deposits unless the bank's surety bond was written by Koughan and Jenkins, agents designated by Foster. These agents, he declared, aided Foster in his campaign for the county treasurership. Before this time the director's company had been handling all the bonding business of the bank. Foster in a public statement declared the director's charges false. He admitted, however, that he had told the Peoples Bank's president that Koughan and Jenkins had been boyhood friends of his, and if he could do them any favors, he would very much appreciate it. The bank president stated that there was no inferred or direct threat from Mr. Foster. "It was merely a simple gentlemanly request." But the bank director refused to retract his original charge. He only admitted the publicity given the affair was "a mistake." At all events, the Peoples Bank got a county deposit, and Koughan and Jenkins wrote the bond.

BANK ASSETS USED TO SECURE PUBLIC FUNDS

Public deposits in the Carnegie Trust Company not secured by surety company bonds were the county delinquent tax funds, the county poor funds, and certain township funds. The Carnegie institution in its extreme anxiety to obtain and hold these additional deposits of public funds pledged securities owned by the trust company to the extent of $960,000. The aggregate amount of these deposits was $524,568. The securities delivered by the bank were Carnegie Coal Company bonds. Men in touch with bond matters have estimated the value of these bonds at from 25 to 50 cents on the dollar.

The real viciousness here lies in the fact that those dominating the trust company willingly sacrificed the rights and interests of thousands of individual depositors by undertaking to give preference, secured by nearly the entire assets of the bank, to public deposits obtained through political influence. The judge of the local common pleas court dismissed the suits filed by the secretary of banking, who sought to have the bonds returned to the receiver of the defunct bank on the ground that the public officials were unlawfully in the possession of the bonds and were not preferred creditors. The judge decreed that the trust company had power under the statute to pledge these securities for the public deposits. Exceptions have been filed to this decree principally on the ground that the retaining of the bonds by these public officials is depriving the rest of the depositors of their property without due process of law.

DELINQUENT TAXES HELD OUT

The suit of the secretary of banking to recover these bonds incidentally threw some light on the administration of the county delinquent tax office. The county treasurer appoints the men to the delinquent tax office. While no limit is placed on the number of collectors he may employ, it has been customary for several years to appoint only one man. The collector does not receive a salary, but he is paid by a commission of 10 per cent, which is added to all taxes as delinquent. The law provides that monthly remittals shall be made to the county treasurer by all tax collectors. But the delinquent tax deposit of $332,579 in the Carnegie bank at the time of its collapse represented collections for more than four months. Since the account of the delinquent tax collector is made transitory by the law, it receives no interest. If the money had been turned over to the county treasurer each month, as the law required, it would have gone into the regular account of the county which was earning 4.05 per cent interest.

RAMIFICATIONS OF BELL'S CONNECTIONS

Political interest in the probing of Bell's affairs became acute when the investigators began to dig up the political paper both in the possession of the bank and in Bell's private effects. Senator Leslie, state senator and powerful Republican boss, in the face of evidence uncovered, admitted that he was the maker or endorser of notes to the total of $200,000. The probers found in the possession of the trust company three notes of $25,000 each, executed and endorsed by Leslie. Attached to these notes as collateral were 3,750 shares of Lauraine Magneto Company stock. These securities were worthless, since the company had been bankrupt since June 9, 1921. Records of the trustee in bankruptcy showed that Leslie had been associated with a wealthy Tammany contractor and politician of Woodmere, Long Island, in the promotion of the magneto company. According to these records Leslie for a time was president of the company, and his son was treasurer. Bell declared positively and repeatedly that he had nothing whatever to do with the Lauraine Magneto Company. Leslie insists the notes were for no other purpose but the accommodation of Bell. "I lent Bell my name. Not one penny was negotiated by me. Not one penny was ever credited to my account. Not one penny was ever drawn from it by my check." Suits are now pending against Leslie for the payment of these notes.

The two Republican factions sparring for control in local politics—at least before the recent "harmony" mayoralty campaign sponsored by the Mellon influence—are the Leslie faction and the Magee faction. Senator Leslie heads the former; Mayor William A. Magee, the present mayor of Pittsburgh, leads the latter. Those familiar with Bell's enterprises and his relation to local political affairs declare that his activities were non-factional. The Magee forces chuckled when the Leslie notes were discovered. But a little later the Leslie followers had their laugh, when two notes of Magee amounting to $7,000 were found. Both of these notes had been paid. It leaked out also that Magee was personally indebted to Bell to the extent of $82,000 because of a transaction in which Bell stood as guarantor of Magee's account with a Pittsburgh brokerage office. The only explanation offered by the Mayor was a statement to the effect that his affairs with Bell had no relation to the failure of the Carnegie banks nor with Bell's financial embarrassment.

Among Bell's personal effects there was also found a $20,000 note signed by Harmon K. Kephart, former state treasurer. This paper had been made three years ago, which was about the time of the notorious Bell-Kephart case toward the end of the administration of Governor Sproul. Kephart pleaded *nolo contendere* in that case and was fined heavily. It involved the use of Bell's banks for the manipulation of a "revolving or war fund" used freely by Kephart during his administration as state treasurer.

BELL'S FINANCIAL LOSSES

It would be difficult, even if space permitted, to trace the devious and complicated path of the Bell financial transactions before the time of the final crash. It seems pertinent to this inquiry, however, to make at least passing reference to Bell's investments which sustained the heaviest losses. The creditors' committee in a statement made public reported that within the past five years Mr. Bell apparently had suffered financial losses approximately as follows:

Miscellaneous losses, about	$960,000
Oklahoma oil developments	897,000
Dairy farm, Coraopolis	1,000,000
Salkeld Coal Company	297,000
Tasa Coal Company	389,000
Carnegie Coal Company	6,500,000
Harmon Creek Coal Company	300,000
Minor corporations	400,000
Capital stock of banks, trust companies	189,000
Estimated total of	$10,932,000

The minor corporations listed above included the Tahlaquah Gas Company, Morton Oil and Gas Company, Signal Pipe Line Company, Frauenheim-Logansport Coal Company, Interstate Pipe Company, and the Chartiers Cemetery Association.

BELL CONVICTED IN LOCAL COURT

The local courts are congested with suits resulting from the Bell financial fiasco. Bell himself has stood trial in the local common pleas court and has been convicted on 12 of the 14 indictments charging him with embezzling $800,000 of the defunct trust company's funds. Although the trial threw no new light on Bell's relations with the politicians, it corroborated the facts published at the time of the probing of Bell's affairs. The prosecuting attorney produced voluminous records and many witnesses to prove Bell guilty of the charges placed against him. While the actual manipulation was done by a trusted and confidential employee, it was always done at the direction of Bell. This employee admitted Bell had been using manipulated county funds for his own use since 1914, and it had become a common practice. The defense was at times ludicrous and throughout the entire trial pitiably weak. The only defense Bell's attorney made for their client was to produce 37 character witnesses. These in the main were politicians and clergymen. Sentence has not yet been imposed, since application has been made for a new trial. If this is not granted, counsel for the defense plans an appeal. Bell himself remains at liberty under $25,000 bail.

One may chide the naïveté of the citizens of Carnegie who trusted Bell like a god. Literally thousands of these people have been thrust back twenty years by the failure of this institution. Again one may heap deserved criticism upon the state banking department and the state banking laws which allowed the conditions described to exist for years. But what shall be said of the responsible public officials, who, fully cognizant of the highly speculative character of the institution, actually financed the bank by means of heavy public deposits? Although the bulk of the public funds were adequately protected by insurance, there are still thousands of dollars of the taxpayers' moneys tied up, which may eventually be lost. In the perpetration of these manipulations which seriously jeopardized large sums of public funds and which actually stripped hundreds of homes of their last savings, these responsible public officials can only properly be classed as *particeps criminis.*

THE "REFORM" OF OUTDOOR ADVERTISING

BY J. HORACE McFARLAND

Past President American Civic Association

Some further comment upon outdoor advertising and the changes and restrictions which seem desirable. :: :: :: :: ::

The National Municipal Review for October printed an article by Mr. I. W. Digges, Secretary of the General Outdoor Advertising Company, headed "The Refinement of Outdoor Advertising." Confessedly a discussion of outdoor advertising from the standpoint of the advertising concern responsible for much of it at the present time in the United States, and representing an important consolidation of various interests, the statement is most encouraging.

This encouragement is not, from my standpoint at least, because it tells how in 1900 two million dollars were spent in outdoor advertising, while in 1925 approximately sixty million dollars will be so spent, but because it presents the new "standards of organized advertising" and admits through inference that as it has been conducted and as it has grown outdoor advertising has needed betterment.

Those who have had much to do with me in the attempt of the last twenty years to curb the excesses of outdoor advertising, know that I have never been willing to be regarded as opposed to all outdoor advertising, but have insisted that such advertising should certainly not spread over all the outdoors. It is therefore most encouraging to have Mr. Digges, who ought to know, say that "over 90 per cent of organized outdoor advertising is located in urban districts, and over 99 per cent of the criticism of the medium is directed toward rural display."

With the 90 per cent to which he refers, "located in urban districts," I find myself little concerned. Under the definite knowledge that billboards are not ordinary structures, but are under the police power of the nation; under the further knowledge that as structures they have mostly escaped urban taxation, but can be taxed; taking further into account the way in which many displays interfere with the public safety; and most of all realizing that the urban communities referred to have the remedy largely in their own hands, if they want a remedy —I see no reason to bother about New York or Philadelphia or San Francisco or Cincinnati, or the other towns and cities in which nine-tenths of the billboard space, according to Mr. Digges, is in use. These towns can suffer their own lack of dignity and their own loss of values.

The less than 10 per cent to which Mr. Digges refers as being rural in character, and concerning which he insists "over 99 per cent of the criticism . . . is directed," locates the basis of this statement and of the hopes on which it is predicted.

The admirable statement in the article referred to makes plain that there is recognition on the part of the billboard-erecting concerns of the necessity, in order to continue the business relations involved, to make an agreeable impression. It cannot be an agreeable impression if Mr. Digges is right in insisting that "over 99 per cent of the criticism of the medium" is directed toward the less than 10 per cent of the outdoor display not within urban limits.

Among the standards set up by the new organization, the first is worth reprinting here, worth noting carefully, worth remembering, and worth using:

> Structures shall not be located in purely residential districts; in the vicinity of public parks or buildings where the surrounding neighborhood is residential; in locations that interfere with the view of natural beauty spots; on trees, rocks, fences, posts, or other natural objects, or in any manner except on structures of standard size.

It may be broadly, even if somewhat inaccurately, stated that all or nearly all of the 10 per cent of the organized outdoor advertising which incites over 99 per cent of the criticism falls under the provisions of this standard. It is therefore most gratifying to find in the comments made on the standards, that Mr. Digges hopes to see them approximated within even less than a five-year period.

Surely this is an encouraging statement, if it can be construed as meaning that the unpleasant 10 per cent which makes ridiculous many beautiful views, disturbs the serenity and quiet of many residential districts, violates the sacredness of many historic spots, shames many rocks of natural beauty, will be reduced to the vanishing point inside of five years. This means, if it means anything, that the famed Mohawk Trail, once New England's boast, will no longer continue to be the motorist's misery because he cannot see the scenery for the signs. It means that the vicinity of Harper's Ferry, with its natural beauty and historic values, will not continue to be an adjunct to great and glaring signs. It may even mean—though that seems almost too much to expect!—that the hideous lane between New York and Philadelphia, through which the trains of the railroads rush, under conditions which force passengers on the cars to read or sleep in order to avoid seeing the "signscape," may be mitigated.

Another encouraging feature in this article is the showing of strength which implies that unorganized advertising as defined by Mr. Digges will be so dealt with as to make it less a nuisance.

It happens that some ten years ago at a convention of the outdoor advertising interests held in Atlantic City, I made certain statements and predictions in response to a request that I frankly set forth the future of outdoor advertising as I saw it. The organization of the General Outdoor Advertising Company, the setting forth of these ideals and the pleasant prospect ahead of us, which will be all the more pleasant as it is really worked upon by the billboard people, are in confirmation of my statements.

The plan then proposed was that outdoor advertising be intensified, reduced and segregated, so that it should become more efficient and less a nuisance. I still stand on that platform, and no one will be better pleased than myself if the time comes when it can be said to be fairly effective. No one will be more willing than I am to join with the General Outdoor Advertising Company in endeavoring to restrain by any reasonable and legal means the pirates who now have, in Pennsylvania for example, millions of seemingly illegal and unauthorized signs, whose tin abominations are tacked all over every outhouse, decrepit stable, abandoned building, unguarded fence, or refreshment shack, which will hold a tack or a nail.

As I have said above, the community relation can take care of itself, but I have an impression that the communities themselves will want to establish restricted districts. In these the signs can be smaller, better, more attractive, and can include what is all too frequently absent—some information as to the conveniences and commodities within the community in question.

I take it that the standards of the General Outdoor Advertising Company may properly be said to be a confession. I am even willing to doubt that there would be any such standards if state after state had not angrily attempted to control billboards by legislation, if city after city had not made similar endeavors, if scores and hundreds of organizations had not declared themselves in opposition.

Gladly now will I wait, even if impatiently, to see these standards "bring forth fruit meet for repentance."

OUR CITY COUNCILS

VI. PITTSBURGH'S FACTION-RIDDEN COUNCIL

BY CHARLES F. LEWIS

An intimate story of the Pittsburgh city council, which is both "a triumph and a despair." :: :: :: :: :: :: ::

After fourteen years, Pittsburgh's small council remains an immeasureable improvement over the conditions that obtained under the corrupt and incompetent houses of the old ward council which it displaced. But the small council in Pittsburgh is admittedly an almost heart-breaking disappointment of the high hopes of those who hailed its induction. The small council in Pittsburgh is at the same time a triumph and a despair.

ADOPTION OF THE SMALL COUNCIL

In 1911 the Penrose-ridden legislature of Pennsylvania, yielding to long-accumulating and irresistible public demand, ripped out of office Pittsburgh's unwieldly bicameral council, with its ward representation, and directed Governor John K. Tener to appoint a small board of nine members to serve until the next municipal election.

The governor complied by designating three manufacturers and business men, two real estate men and bankers, two physicians, one attorney and one architectural engineer. All were men of consequence in the life of the city, some had been active in promoting civic advancement, and political considerations were little involved. The council so constituted was promptly dubbed by press and public the "business" council. Two of the nine soon resigned and their places were filled by election, by the council and the mayor, of another manufacturer and a labor leader. The nine as then constituted were confirmed by the city's vote at the November municipal election.

This original small council was the ablest Pittsburgh has ever had. Today the name of no man of the first appointed nine can be found on the roll of the city's legislature, but the two who were elected to fill vacancies caused by resignation of appointees still survive. Generally, the quality of membership has declined progressively. Such comment is commonplace in Pittsburgh, sometimes touched with hopelessness in cynical contrast of the decline of the elected council with the city's experience with an appointed board of public education. For more than a decade the fifteen directors of school affairs, appointed at large by the judges of the courts of common pleas, for terms of six years, have continued to hold the confidence of the people. More, while spending enormous sums of money from taxes which they levy, they have won the gratitude of citizens generally for unselfish service.

What has happened is an old story to observers of municipal government in the United States. The small council was won by civic revolt. The small council has disintegrated as the fires of revolt have died out, as citizen interest has waned. The pendulum has swung back again but not, happily, to the extreme from which it was dislodged by popular uprising.

It is essential to view the establishment of the small council in Pittsburgh as the first and greatest achievement of the movement that began as far back as 1906 when George W. Guthrie, subsequently ambassador to Japan, was swept into the mayoralty by a fusion of Democratic and fugitive independent parties as a reform candidate. In the next few years the city was rocked by revelations of far-reaching corruption in the old council and sensational prosecutions resulted in penitentiary sentences. In the meantime inefficiency and politics had been exposed in the board of public education, and the old board elected by ward divisions was replaced by a body of fifteen appointed from the city at large by the judges of the county courts of common pleas. Finally, in 1913, the impetus of the civic drive reached its crest by obtaining legislation for the election of mayor and councilmen on non-partisan ballots.

The back-swing has been as continuous, if not so powerful, as was the upward push. In 1921 the city sat by indifferently while the legislature repealed the non-partisan ballot law. In 1923 and again in 1925 ominous threats were made in the legislature to restore election of councilmen by ward divisions. But the dominant political elements thus far have no dissatisfaction with the situation sufficient to bring about a determined attempt to restore election by districts.

PITTSBURGH A ONE-PARTY CITY

The key to understanding Pittsburgh's peculiar councilmanic situation lies in the fact that this is a one-party city, and a city in which sometimes not one citizen in three bothers to go to the polls on election day.

The party enrollment is and has been for many years overwhelmingly Republican. Out of 127,357 registered voters in the Presidential year of 1924, 105,570 were listed as Republicans. The Democratic total was only 11,801. In the mayoralty year of 1921, first election to the office under the restored partisan ballot, 141,533 out of 148,924 were enrolled as Republicans.

Closely knit to this lack of an organized minority is the widespread citizen disinterest in government. In the banner registration of 1921, only 47.7 per cent of citizens of voting age qualified. This year, out of an electorate of 330,000, only 110,000 bothered to register and only 90,000 of these voted in the primaries.

The measure of civic lethargy in Pittsburgh is found in the following comparisons of the vote of November 1924:

	Citizens of Voting Age.*	Total Vote	Pct. of Citizens Voting
United States	56,484,375	28,920,000	51.2
Pennsylvania	4,543,896	2,144,719	47.2
Allegheny County	648,094	253,013	39.0
Pittsburgh	327,315	117,446	35.8

* Based upon reliable estimates and calculations of native-born or naturalized persons of voting age.

Of course, the vote of the residential wards is worse than this table shows, for the city's average on registration day is brought up in the busy controlled areas. The machine wards can be depended upon, in a fight, to produce from 60 to 65 per cent of all eligibles, while the so-called "strongholds" of independence often enroll only 33 or even 25 per cent of their citizens of voting age.

This one-party dominance and lack of organized independence has its usual concomitants. Elections come to mean less and less, except on those rare occasions when a vigorous battle for an individual office is made by some aggressive fighter as an independent, or on the Democratic ticket with disgruntled or independent backing. But no such fight for a council seat has been successful. There has been no fight all down the line at the November municipal election in any year since the non-partisan ballot was repealed. As a result Republican nomination is ordinarily considered equivalent to election and none but a registered Republican has even been elected to the small council, whether under partisan or non-partisan elections.

PATRONAGE-SEEKING FACTIONS

In consequence, factions within the majority party have all the importance that ordinarily attaches to party organizations in most cities, without even the measure of responsibility that attaches to local party organizations. The factions are in turn made up of a number of personal leaders, many of whom are found now in this camp, now in that, aligning themselves from biennium to biennium as profitable "deals" or prospects of patronage attract.

Thus it is that the principal motive behind candidacies for the city council is factional political advantage. The candidate may be concerned with his personal advantage, but in most cases he is a candidate by sufferance of the factional leaders, who put him forward sometimes for the strength he may add to their ticket, but more often for the service he may be able to render in legislation. The same situation, it may be interjected, applies to the mayoralty. Lacking a political revolution, there is little hope that any man will be elected to that office without the support of a powerful factional baron, as long as present conditions obtain.

The strength of the fighting factions is naturally centered in the congested downtown and river-bottom wards. The strength of the independents is in the outlying residential districts, chiefly on the hills. It is significant, then, that the council to-day consists of six members from the heart of the controlled wards. For two years the populous Northside of the city, formerly the independent City of Allegheny, has been without representation. The factional leaders have remedied this this year, by endorsing and nominating a state legislator from that section in place of a councilman who was a former police magistrate and whose term will expire in January.

CHARACTER OF THE COUNCIL

Economically, the present representation in the council may be generalized as one manufacturer, three former labor leaders, one glassworker and four small business men. Any definite economic labelling is difficult because, for the most part, the councilmen have been in public employment so long that their original economic status has been forgotten. Four members were jobholders at the time of their first election. These four are the most recently elected members. The council seems definitely to be drifting into the hands of professional politicians, of ward importance. So far as representing a cross-section of the city is concerned, the present council now ignores the outlying residential wards to as great a degree as the original appointed nine over-represented the well-to-do professional and business classes.

For years this political council has been increasingly blinded by factionalism, and the return to the party ballot has not checked this evil. Indeed, it is now clear enough to all what ought to have been patent in the beginning, that the non-partisan law was repealed chiefly to save the politicians the expense of a second factional battle on election day. So evenly balanced are the factions, indeed, that for years the division has been traditionally five to four. Added to this difficulty, the councilmanic majority has been frequently opposed to the mayor in power.

The business of the opposition in council, whether it be majority or minority, has been obstruction of the mayor. The business of the administration members is merely to put the mayor's program through. The instances are few and far between in the last four years in which it can be said that council as a whole or any councilman individually voted upon any important matter in defiance of the interest of his political faction. What started out as the business council has thus become, when the mayor has no majority, a council in which virtually no business can be transacted.

HARDEST BATTLES OVER THE BUDGET

The bitterest battles have been fought over the budget. Here we have the usual spectacle of the administration going to battle for larger and ever larger budgets in the name of service, and the opposition cutting and slashing in the name of economy and tax reduction. The underlying motives are more commonly to get payroll patronage or to deny it.

During recent years the city business has suffered almost incredibly from this merciless, guerilla warfare.

The departmental estimates of the administration in 1925 called for approximately $6,000,000 more than in 1924, a 30 per cent increase. A hostile councilmanic majority, encouraged by press demands for retrenchment, cut the tax rate, and returned to the mayor a budget calling for $1,000,000 less than the 1924 figures. He vetoed it, and then, on one of those rare occasions when a councilman has left his faction in an important test, the veto of the mayor was over-ridden, six to three. The cut was as much too severe as the first estimates had been extravagant, and council has been under repeated necessity of passing emergency appropriation bills, while for several weeks the city endured the spectacle of seeing policemen laid off, in series, one day a week, because the appropriations were inadequate to pay them.

This display of pettiness in budget matters is the more conspicuous as a measure of the backsliding of the small council, because in its first years this body brought order out of financial chaos. One of the early important constructive services of the small council was to follow the recommendations of the New York Bureau of Municipal Research and others for a modern and highly intelligent budget practice.

ORGANIZATION AND POWERS OF COUNCIL

There is no fault found with the organization of the council. Its members are elected, five and four, alternately in odd-numbered years for four-year terms. Thus it is a continuing body, which elects its presiding officer biennially. The choice for the presidency of council is determined solely by factional alignment, and the chief personal reason for seeking it is the eternal hope, not yet fulfilled, that the president of council, as leader of his faction in legislation, will be the next logical candidate of his group for the mayoralty. The salary of the president of council is that of any other member, $6,500 a year.

The powers of the council are usual. It may pass a measure over executive veto by a two-thirds vote. It may accept or reject appointments by the mayor to departmental directorates and other posts. It may remove a departmental head for cause after a hearing, by a majority with the mayor's consent, or by a two-thirds vote without the mayor's consent. Council may call for such information as it may think proper at any time from any department head. When council sits as a court of impeachment, the law commands that a judge of the court of common pleas shall preside over it to decide questions of law and admission of evidence.

Most of the discussion takes place in committee, and all members have places on all the standing committees. The whole membership resolves itself into finance committee for consideration of budgetary and tax matters, and the chairmanship of this and of other important committees is determined largely by personal fitness or inclination for the post. Council sits as such on Mondays, and there is a committee meeting almost every day.

Just as politics plays little part in the organization of the councilmanic committees, so it has not interfered with the retention of experienced and competent clerks and assistants. They have been continued in office for years.

PUBLIC'S ATTITUDE TOWARD THE COUNCIL

The meetings of the council are ordinarily humdrum, and only empty chairs, save for the newspapermen and the outposts of the League of Women Voters, look on at the long table where the law-makers for 650,000 people drone out their votes. But occasionally, as when there is a fight over expenditures, or when a hostile councilmanic majority is investigating the police bureau, there are fiery speeches, and much pounding of fists on mahogany by way of emphasis. These outbursts are rare, however, cause great commotion in the public prints, and for a time fill the handsome council room.

While the majority was investigating the police bureau, the general public reaction was one of suspicion of the sincerity of the investigators. So cynical has become the public attitude that either majority or minority can seldom do anything for the general welfare without suffering withering criticism for its own selfish aim. This criticism is sometimes undeserved, and in fairness it must be said that in some of the most important matters that have come before the council factionalism has been submerged. An instance is the consideration that recently has been given to the city plan of Pittsburgh, evolved at great expense by a volunteer committee of influential business men. Council responded to public demand for non-political consideration of this great program of physical development.

Factional strategy in Pittsburgh looks far ahead, is involved tightly in the general strategy of state campaigns, and is not untouched by national considerations. Bitter as are the ward leaders of rival factions, they were persuaded to accept a "harmony" slate for all city and county offices this fall because of alarm of higher leaders who feared the effect a fight might have on the battle for the United States senatorship next year. Then the machines of both sides of the mountains will be united to fight a Pinchot slate for the governorship and a United States senatorship. So strong is the influence of the "harmonizers" that the two factions for the time being have been repressed. But political seers are waiting for the break that is expected after the state-wide primaries. The peace that now rests over the city is only a truce.

In spite of all that may be said in derogation of council as a factional fighting ground, in spite of the general lack of public confidence in the council as a legislating body, in fairness it must be said that no suggestion of corruption has ever attached to any councilman as such or to the council as a whole. An important contract has been entered into by the city with the reorganized electric railway utility, and an exchange of realty, involving downtown street relocations has been perfected with the Pennsylvania Railroad, and no hint of scandal has attached to these or any similar transactions. In both of these instances tremendous pressure of press and public opinion was brought to bear upon council to facilitate action, and council put wrangling aside.

As a group the small council is still greatly superior to the old "big" council, the corruption and criminal incompetence of which brought about revolt and reform. But as factional warfare has increased in violence and as citizen interest has waned, the council has progressively deteriorated in experience, capacity, independence and courage. Nevertheless, there is no one in Pittsburgh to-day who would go back to the conditions that prevailed in the last years of the large council. And there are few who suppose that the small council will be much better before existing conditions become much worse.

PHILADELPHIA'S POLITICAL MACHINE IN ACTION

BY AUSTIN F. MACDONALD
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An astounding story of recent election frauds and political machine corruption in the Quaker City. :: :: :: :: :: :: ::

Less than half a century ago Philadelphia was a strong contender for the questionable honor of being the worst governed city in the United States. The infamous "Gas Ring" flourished and prospered. Men used public office to satisfy their private desires. Those chosen to serve the people acknowledged their allegiance to political bosses. Vice and corruption were the order of the day.

More recently, however, Philadelphians boasted that the old order had passed away. Reform mayors were occasionally swept into power on succeeding waves of popular indignation, and this fact was significant, even though the ebbing tide of popular indifference always left them stranded at the next election. There was a city boss, of course; but what city would be complete without one? If corruption still existed, it skulked in dark corners, and did not flout itself before the eyes of an outraged citizenry. In the minds of most persons the government of the Quaker City was at least reasonably honest and efficient. And then came the fall elections of 1925, characterized by the governor of the state as "the most barefaced corruption of the ballot," and leaving in their wake a trail of trickery, disloyalty and fraud. Philadelphia again bids fair to become known as the nation's worst governed city.

THE SEPTEMBER PRIMARY ELECTION

The story begins with the primary election of September 15. It was taken for granted that the Vare organization, all-powerful in Philadelphia politics, would nominate and elect its candidates for most of the offices to be filled. Interest, therefore, centered about the offices of district attorney and judge of the municipal court, the two places for which a real contest was expected. Samuel P. Rotan, then district attorney, had served the city in that capacity for eighteen years, backed by the votes of the machine. But recently he had fallen into disfavor with the organization, and had been informed that he need no longer expect its support. At first he announced his intention of bidding for popular favor and defying the gang; but shortly afterward, realizing the futility of such a course, he decided not to become a candidate. This left the field practically clear for John M. Patterson, the Vare candidate for the Republican nomination. At the November election there would be a Democratic aspirant for the office, and probably a Socialist also. But the nomination of Democrats and Socialists in Philadelphia is usually an empty gesture; the Republican nomination is equivalent to election. Patterson was former judge of the Court of Common Pleas, an organization man with a reputation for fairness, and with a host of friends.

Two judges of the Municipal Court were to be chosen. One was unopposed. The other, Benjamin H. Renshaw, was an independent appointed to the bench by Governor Pinchot.

He had earned the hearty dislike of the machine politicians, who were preparing one of their own number for the post. This man, Leopold Glass, was counsel for the Republican City Committee and a former Vare lieutenant in the state legislature. He could be depended on to do the "right" thing for the "boys." The independents of the city were interested in Renshaw's candidacy, and he received the hearty endorsement of the newspapers; but no real effort was made to organize support for him.

As a result the nomination of Glass was generally anticipated. But the extent of the machine triumph came as a total surprise. The final count stood: Glass, 229,077; Renshaw, 72,600. In division after division huge totals piled up for Glass, while not a single vote was recorded for Renshaw. In many sections of the city 300 to 0 was a typical division vote. And then came the reaction. Scores of letters were sent to Judge Renshaw by outraged citizens, who declared that although they and many of their friends had voted for him, ciphers were placed opposite his name on the tally sheet displayed outside the polling place. The "errors" were not confined to one division or one ward, but were found in practically every part of Philadelphia.

EVIDENCES OF FRAUD IN COUNTING BALLOTS

Three days after the primary election the morning newspapers carried in flaring headlines Judge Renshaw's charge that he had been cheated of at least 50,000 votes. His cause was espoused by the Committee of Seventy, an association of public-spirited citizens which has been trying for more than two decades to bring good government to Philadelphia. A door-to-door canvass was begun in many of the zero divisions to secure affidavits from persons who had cast their votes for the judge. The organization was thoroughly frightened. In one ward, according to information furnished by a Vare division worker, the machine politicians received warning a few minutes in advance that representatives of the Committee of Seventy were about to visit every house in the neighborhood in an effort to secure evidence of fraud. Those few minutes were enough. Like modern Paul Reveres two members of the "gang" set forth to give the warning. From door to door they went, up and down street after street, and always with the same phrases on their lips: "The Committee of Seventy is coming! When you are asked if you voted for Renshaw, say you never heard of him." Most of the time they were only a few houses ahead of the committee's representatives. "It wasn't that we were afraid they might find somebody who had voted for Renshaw," explained the division worker who supplied this story. "Our division is made up mostly of foreigners, and they can be depended on to do the right thing. But many of those whose ballots were cast at the election never went to the polls, and we couldn't let them tell the committee they stayed home on election day." So the judge's representatives received always the same reply: "Renshaw? We never heard of him." Bewildered and discouraged, they finally gave up the attempt. And as they left the neighborhood foreign faces peered out at them curiously from behind dirty window-panes. Many of the residents later complained that they had been deceived. They had been told the Committee of Seventy was coming, and only two men had appeared!

In other sections of the city the committee was more fortunate. Affidavits were obtained from eleven persons in one division, also in the foreign quarter, that they had voted for Renshaw, although on the tally sheets a zero was placed opposite the judge's name. Many others declared they had voted independently, but, influenced by fear or friendship, refused to sign affidavits. "These election officials are just poor fellows like ourselves working for a living," said one man. "Why should we get them into trouble?" His philosophy was not shared by everyone, however, and additional affidavits were secured in other zero divisions.

WHAT A RECOUNT OF BALLOTS SHOWED

Armed with this evidence, the Committee of Seventy requested Judge Bartlett, of the Common Pleas Court, to open the ballot box of the Twenty-First Division of the First Ward, in order that the ballots might be recounted. It is to this court that the judges of election return the tally sheets and the unused ballots, together with the ballot boxes. The law provides that a judge of the Court of Common Pleas may order the opening of a ballot box upon the signed petition of three voters of a division that they believe fraud or error has occurred. Three persons who had voted for Renshaw in this division were put on the stand to testify. The third witness, an Italian, became confused and contradicted himself, saying first that he voted for Renshaw and then that he cast his ballot for Glass. Several other witnesses who had signed affidavits were put on the stand. But Judge Bartlett, who before his elevation to the bench had been a regular worker in the Vare organization, ruled that neither fraud nor error had been proved, and refused to order a recount.

In the meantime the number of zeroes recorded opposite Judge Renshaw's name on the official tally sheets deposited in City Hall began to dwindle in some mysterious manner known only to the initiated. Ciphers were transformed into sixes, and on more than one sheet a "2" or "3" became a "5." The magicians who accomplished these feats of legerdemain overlooked one important detail, however; when they increased the Renshaw vote, they neglected to reduce correspondingly his opponent's record. As a result in many divisions the combined vote of the rival candidates exceeded by twenty or thirty the total number of ballots used. The evidences of fraud were multiplying.

Undaunted by its original failure to secure a recount, the Committee of Seventy secured fresh affidavits from citizens in other sections of the city, and presented them to the county commissioners with the request that the ballot box of a division in the Fifteenth Ward be reopened. This petition the commissioners granted, and exactly two weeks after the primary election the first set of ballots was recounted, and the result compared with the figures on the tally sheet. To the surprise of some of his supporters Renshaw lost two votes; but his opponent lost nineteen. Shortly afterward, as committee workers disclosed fresh discrepancies, other boxes were opened. Judge Bartlett finally ruled that fraud or error had been shown. In one division of the Forty-Sixth Ward the original sheet certified by the Election Board gave Glass 120 votes and Renshaw 6. The official recount figures, as taken directly from the ballots, were: Glass, 65, Renshaw, 56. Other divisions showed differences equally startling.

FRAUDULENT REGISTRATION OF VOTERS

In order to make clear the nature of some of the frauds perpetrated at the primary election, a few words explanatory of Philadelphia's registration system are necessary. The first step is the election of nearly 1500 assessors, whose duty is to compile complete lists of the eligible voters in their respective districts. This work is done in the most perfunctory manner. "Those well qualified to judge estimate that not less than 50 per cent of the 1471 assessors fail to make an actual canvass of their divisions, . . . as required by law."[1] Philadelphia has a system of personal registration, and the lists thus obtained are used to check up each voter when he comes to the polls to register on one of the three days designated by the legislature prior to the primary election. Nearly 6,000 appointed registrars sit at the polls on these three days, and it is within the power of these men and women to register as qualified electors any number of persons whose credentials are defective.

It soon became apparent that fraudulent registration had been conducted on a vast scale. One enterprising newspaper reporter actually visited the homes of the twenty voters in one division whose names appeared on the "G" page of the registration book, and learned that only three of the twenty had been at the polling place on registration day. In one division of the Forty-Sixth Ward the record disclosed that the voters had appeared in alphabetical order at the polls to cast their ballots. The Pennsylvania statutes authorize the Registration Commission, a body appointed by the Governor and therefore free from ward politics, to strike from the list of eligible voters the names of persons fraudently or erroneously registered. Night after night during the closing days of October the Commission met for this purpose. In one evening it ordered the removal of 130 names. Eleven voters registered from a single house were unknown there, while others from the same address were said to have moved long before. Similar "errors" were found by the score. Names of dead men and of men who never lived were discovered on the list and promptly removed. "There is no doubt that at the primary election corruption existed in virtually every ward of the city," declared Frank M. Riter, chairman of the Board of Registration Commissioners.

INDICTMENTS FOR FRAUD

Warrants were promptly issued charging numerous election officials with fraud, and a number of grand jury indictments followed. Members of the organization were thoroughly frightened. To their friends they admitted freely that they had made a serious blunder. "We could easily have beaten Renshaw without getting into any trouble," declared an election inspector. "He never had a chance. But instead of playing safe and giving him ten or twenty votes to each division we gave him none. We were determined to show him how small he really was. And this is the result."

GENERAL ELECTION—TACTICS OF THE POLITICAL MACHINE

One result, certainly, seemed to be the awakening of the independents. Judge Renshaw announced that he would be a candidate for election on the Democratic and Freemen's tickets, the Freemen's party being a small local organization. He called on the voters to return him to the bench as a protest against corrupt politics and gang rule. Governor Pinchot sent a check for $500 to swell the judge's campaign fund. The newspapers supported him editorially, and devoted columns daily to fresh details of the frauds perpetrated at the primary.

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[1] Annual Report of the Registration Commission for the City of Philadelphia, 1924, p. 6.

operation between these authorities under regional planning. Instead of cities wasting their substance in incorporating adjacent districts, and destroying valuable forms of local government in the process, the advantages of centralization, without its disadvantages, may be secured by joint action between the cities and the neighboring municipalities in respect of those matters and interests that affect them in common.

The movement towards planning regions has, therefore, an administrative as well as a technical planning aspect. The feeling in favor of decentralized rather than centralized local government has grown along with the extension of democratic institutions and regional planning is in harmony with development.

One of the earliest, if not the earliest, cases of regional planning was carried out in the metropolitan area of Boston, Massachusetts. It was not a comprehensive plan based on a proper survey —but rather a series of plans of different municipal features carried out for purposes of economy or systematic treatment of these features. These plans have dealt with an area under the jurisdiction of about thirty cities, towns, and villages, and with separate problems of water supply, sewage disposal, highways, and parks.

The actual use of the term "regional survey," in connection with town planning was probably used for the first time by Professor Patrick Geddes, in England. He dealt with it as a survey of past and possible growth of human experience in a region.

Another early student of social economic development, Professor Fleure, gives this description of what he meant by such a survey:

> A regional survey will thus not only trace out with maps, figures, statistics, and notes, the chief phases of the growth of human experience in a region. It will also dig back into all the sciences which can make contributions to accurate knowledge of the conditions of that growth of experience. It will further study very specially the human types and their geographical and also their social distributions. But it will go further, and will endeavor to link up all the facts thus gathered to make them a guide for the future.

Early discussions of regional surveys and plans in England and France show that different ideas have prevailed as to what purposes should be fulfilled by surveys and plans and what are the most appropriate areas to deal with. Some surveys that have been made dealt in detail with the analysis of human motives and experiences, with inquiries into archaeological features, bibliographical and educational records—all of which are matters of interest to the sociologist but not, except in broad outline, essential for purposes of regional or town planning.

Some suggestions for regional areas in England went so far as to formulate schemes for surveying and planning large provinces or groups of counties. The regionalist movement in France in one of its phases aimed at restoring the larger and more "natural" provinces of pre-revolutionary times, modified to meet modern social and economic conditions.

The regional survey has however, in practice, become limited to the investigation of such problems as land development, systems of distribution of industries and population and the social and economic aspects of urban and rural growth; while the geographical extent of regions has to be limited to the areas that have related interests and problems that need to be dealt with in one plan. The making of surveys and plans of regions is sufficiently difficult within the limits of essentials that need to be studied and planned, to make it desirable to omit, firstly, all extraneous detail in the matter of investigation and, secondly, all territory that has no definite links with the hub of the region.

Such progress as has been made in the application of the sanitary and social sciences to the development of cities has not been more than sufficient to counteract the new forms of evil that have arisen as a result of industrial concentration in cities.[1] It may be admitted that more substantial achievements can only be attained, and permanent reconstruction made possible, if our progress in applying scientific principles is accompanied by more faith in humanity and more regard for higher moral standards. Science should aid us to achieve that faith and these standards, if it is unselfishly pursued in the interest of truth.

While the knowledge we gain from the investigation of civic and regional problems is only of value as it leads to action, it is necessary as a guide to action. The art of city, town, rural, and regional planning has constantly to be adjusted to meet new conditions, while the scientific data required to afford guidance for political action and for planning is very inadequate. Whatever need there may be for improved standards of the art of planning, the more urgent need is the acquisition of knowledge of underlying conditions and the determination of methods and principles of government and planning that will best promote human well-being in urban areas.

THE SCOPE OF THE REGION AND REGIONAL SURVEYS

It is difficult to define a region. It is not and cannot be a structure in the same sense as a city or town. The geographical scope of each region must be determined on physical and economic considerations that differ in every case; its boundary cannot be fixed according to any rule nor counsel of perfection. The selection of the boundaries of a metropolitan region must be made so as to include the areas that are most intimately related to the metropolis, but in making a region physically compact and rounded off, some corridors of urban growth at the extremities may have to be excluded. Topographical conditions and political boundaries have a bearing on the selection of boundaries for a variety of reasons.

All the urban growth and systems of communication within commuting distance, or say within a radius of from forty to fifty miles, from Manhattan have some economic or social relation to the mother city that has grown up around the port of New York. The fact that some such relation exists makes the area within the above radius a suitable unit for planning the functional growth and means of communication of New York, although some areas beyond fifty miles may be included for physical reasons, such as the outer extremities of Long Island. A tropmeolitan region such as that of New York consists of a family of comas voting unless he actually voted, or unless we knew he could be depended on. For example, I was sure my mother wouldn't come to the polls, so it was quite safe to cast her ballot for her. The people who live next door to us are the right sort, but they're lazy and like to stay at home. So I told them I would cast their votes for them. But we played the game fair."

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[1] Mr. Henry Ford, who may be regarded as a typical leader of modern industry, writing in the *Dearborn Independent,* says: "The modern city with its suppression of all that is sweet in its natural environment, its enforcement of artificial modes of living, its startling disparities of leisure and employment, its hideous extremes of self-conscious wealth and abject poverty, is probably the most unlovely sight this planet can offer."

The Chicago Daily Journal, of June 28, 1919, referring to Mr. Ford's statement, says: "If man's mastery over nature increases far enough to permit him to devote his chief thought to his rounded development, most cities will either disappear or take on a widely different form from the one they wear at present. That may be admitted. In fact, the change in cities is already tremendous."

This conversation is not a bit of entertaining fiction. It is not the product of a vivid imagination. It is the actual record of Philadelphia politics, in all their sordidness and filth, as told by a minority election inspector. Those unfamiliar with the strength of the Republican organization in the Quaker City may wonder why an election inspector chosen by Democratic voters to represent the Democratic party and to safeguard its interests at the election would prove so pliant a tool in the hands of the majority leaders. The real reason is that the dominant machine dictates the choice of minority officials just as it determines the selection of its own candidates. Philadelphia Democracy is an empty husk. So sure is the Republican organization of winning that it can afford at any time to send into the ranks of the Democratic party enough of its own workers to defeat the will of the *bona fide* Democrats.[2]

WHENCE THE SHOYER STICKERS?

Who ordered the preparation of the Shoyer stickers is a question that seems likely to go unanswered. Congressman Vare announced that he would make no statement until after Judge Patterson's funeral. He made no statement prior to the funeral, and has made none since. From other members of the organization parts of the story have been learned. Days in advance the possibility of Patterson's death was considered, and an attorney connected with the Vare forces was asked to give an opinion as to the legal effect of the candidate's decease after his election. Under such circumstances, the attorney decided, appointment would be in the hands of the governor. Several days after the election he admitted that this opinion was erroneous, but the organization leaders naturally took it at its face value. And so preparations were made to prevent even the possibility of the selection of Philadelphia's next district attorney by Governor Pinchot. For Pinchot is a man who cannot be bribed, frightened or cajoled into obeying the dictates of the Vare machine.

The order to print the stickers was given on Monday, less than twenty-four hours before the opening of the polls, and they were held in readiness should the need arise for their use. It now seems that the organization's fear of a gubernatorial appointee as district attorney was groundless. The state constitution provides that county officers (including, of course, district attorneys) shall hold office for four years "and until their successors shall be duly qualified."[3] Many of the best lawyers in the city maintain that since no person can qualify as successor to the present district attorney, Samuel P. Rotan, he may retain office until the regular election of 1927. This Mr. Rotan has announced his intention of doing, and has promised vigorous action in all election fraud cases. A determined effort will undoubtedly be made to remove him from office.

AN UNFINISHED STORY

This story is an unfinished chapter in the history of Philadelphia politics.

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[2] See "The Democratic Party in Philadelphia," NATIONAL MUNICIPAL REVIEW, May, 1925.

[3] Constitution of Penna., Art. 14, Sec. 2.

Scarcely a day passes without revealing some fresh phase of the situation. Before the January issue of the REVIEW leaves the press much of what is here written may be obsolete. Numerous election officials will be brought to trial, and much new evidence will doubtless be introduced.

It is hoped that this story will not be without value, however, as a picture of the Quaker City's political machine in action. Many Philadelphians are puzzled to determine whether their city has lost all sense of political decency, or whether it ever had any.

REGIONAL PLANNING IN RELATION TO PUBLIC ADMINISTRATION

BY THOMAS ADAMS

General Director of Plans and Surveys, Regional Plan of New York and its Environs.

Mr. Adams recommends co-operation between local governmental authorities in regional planning, such authorities to be assisted by advisory agencies established by the various states. :: :: ::

THE modern movement towards planning urban areas in large regions, comprising several separate units of local government, has grown up during the quarter of this century that has passed, as a result of rapid and widespread urban expansion. Physical, economic, and social conditions rather than the political character and boundaries of local governmental areas, have influenced the direction of this expansion.

Regional planning has developed simultaneously in several countries; for instance, in the United States in the plans prepared for the metropolitan area of Boston and other great urban areas; in Britain first in the provisions of town planning acts and later in the promotion of regional schemes for large areas embracing many districts having a community of interests; in France under the name of regionalism; and in Germany and Sweden in the form of town extension plans.

The movement has grown up in spite of the natural tendency to accept the municipal boundary as the appropriate boundary for planning as well as for government. It may be accepted as a solution of the problem of controlling the expansion of cities without the extension of their areas as political units. It is usually conceived that the only way for a city to prevent undesirable conditions growing up outside its boundaries, or to secure harmony between the development within the city and the environs outside the city, is for the city to incorporate outside areas and bring them under its control. This method has been resisted as an encroachment on the rights of local government and an interference with the autonomy of districts that happen to come within the orbit of development of a greater municipal centre. It has not always been successful in the financial interests of the city.

It is submitted that the best method of securing the desired harmony in matters of growth, and the needed coordination of interests of adjacent local authorities, is by means of co-operation between these authorities under regional planning. Instead of cities wasting their substance in incorporating adjacent districts, and destroying valuable forms of local government in the process, the advantages of centralization, without its disadvantages, may be secured by joint action between the cities and the neighboring municipalities in respect of those matters and interests that affect them in common.

The movement towards planning regions has, therefore, an administrative as well as a technical planning aspect. The feeling in favor of decentralized rather than centralized local government has grown along with the extension of democratic institutions and regional planning is in harmony with development.

One of the earliest, if not the earliest, cases of regional planning was carried out in the metropolitan area of Boston, Massachusetts. It was not a comprehensive plan based on a proper survey—but rather a series of plans of different municipal features carried out for purposes of economy or systematic treatment of these features. These plans have dealt with an area under the jurisdiction of about thirty cities, towns, and villages, and with separate problems of water supply, sewage disposal, highways, and parks.

The actual use of the term "regional survey," in connection with town planning was probably used for the first time by Professor Patrick Geddes, in England. He dealt with it as a survey of past and possible growth of human experience in a region.

Another early student of social economic development, Professor Fleure, gives this description of what he meant by such a survey:

> A regional survey will thus not only trace out with maps, figures, statistics, and notes, the chief phases of the growth of human experience in a region. It will also dig back into all the sciences which can make contributions to accurate knowledge of the conditions of that growth of experience. It will further study very specially the human types and their geographical and also their social distributions. But it will go further, and will endeavor to link up all the facts thus gathered to make them a guide for the future.

Early discussions of regional surveys and plans in England and France show that different ideas have prevailed as to what purposes should be fulfilled by surveys and plans and what are the most appropriate areas to deal with. Some surveys that have been made dealt in detail with the analysis of human motives and experiences, with inquiries into archaeological features, bibliographical and educational records—all of which are matters of interest to the sociologist but not, except in broad outline, essential for purposes of regional or town planning.

Some suggestions for regional areas in England went so far as to formulate schemes for surveying and planning large provinces or groups of counties. The regionalist movement in France in one of its phases aimed at restoring the larger and more "natural" provinces of pre-revolutionary times, modified to meet modern social and economic conditions.

The regional survey has however, in practice, become limited to the investigation of such problems as land development, systems of distribution of industries and population and the social and economic aspects of urban and rural growth; while the geographical extent of regions has to be limited to the areas that have related interests and problems that need to be dealt with in one plan. The making of surveys and plans of regions is sufficiently difficult within the limits of essentials that need to be studied and planned, to make it desirable to omit, firstly, all extraneous detail in the matter of investigation and, secondly, all territory that has no definite links with the hub of the region.

Such progress as has been made in the application of the sanitary and social sciences to the development of cities has not been more than sufficient to counteract the new forms of evil that have arisen as a result of industrial concentration in cities.[1] It may be admitted that more substantial achievements can only be attained, and permanent reconstruction made possible, if our progress in applying scientific principles is accompanied by more faith in humanity and more regard for higher moral standards. Science should aid us to achieve that faith and these standards, if it is unselfishly pursued in the interest of truth.

While the knowledge we gain from the investigation of civic and regional problems is only of value as it leads to action, it is necessary as a guide to action. The art of city, town, rural, and regional planning has constantly to be adjusted to meet new conditions, while the scientific data required to afford guidance for political action and for planning is very inadequate. Whatever need there may be for improved standards of the art of planning, the more urgent need is the acquisition of knowledge of underlying conditions and the determination of methods and principles of government and planning that will best promote human well-being in urban areas.

THE SCOPE OF THE REGION AND REGIONAL SURVEYS

It is difficult to define a region. It is not and cannot be a structure in the same sense as a city or town. The geographical scope of each region must be determined on physical and economic considerations that differ in every case; its boundary cannot be fixed according to any rule nor counsel of perfection. The selection of the boundaries of a metropolitan region must be made so as to include the areas that are most intimately related to the metropolis, but in making a region physically compact and rounded off, some corridors of urban growth at the extremities may have to be excluded. Topographical conditions and political boundaries have a bearing on the selection of boundaries for a variety of reasons.

All the urban growth and systems of communication within commuting distance, or say within a radius of from forty to fifty miles, from Manhattan have some economic or social relation to the mother city that has grown up around the port of New York. The fact that some such relation exists makes the area within the above radius a suitable unit for planning the functional growth and means of communication of New York, although some areas beyond fifty miles may be included for physical reasons, such as the outer extremities of Long Island. A tropmeolitan region such as that of New York consists of a family of communities and not one community. The family in this case comprises over four hundred separate administrative units lying in three states. Different kinds of municipal relationship exist in the different states, with their varied conditions and laws, but important economic and transportation features make the whole region an appropriate unit for planning. It has been found necessary of course to have some regard to political boundaries in making sub-divisions of the region for purposes of preliminary study. For these purposes the region was divided into six sectors, three in New York and Connecticut and three in New Jersey. Smaller sub-divisions form the basis for more detailed planning, the county areas being found to be most appropriate for this purpose.

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[1] Mr. Henry Ford, who may be regarded as a typical leader of modern industry, writing in the *Dearborn Independent*, says: "The modern city with its suppression of all that is sweet in its natural environment, its enforcement of artificial modes of living, its startling disparities of leisure and employment, its hideous extremes of self-conscious wealth and abject poverty, is probably the most unlovely sight this planet can offer."

The Chicago Daily Journal, of June 28, 1919, referring to Mr. Ford's statement, says: "If man's mastery over nature increases far enough to permit him to devote his chief thought to his rounded development, most cities will either disappear or take on a widely different form from the one they wear at present. That may be admitted. In fact, the change in cities is already tremendous."

Prima facie, an area that would be suitable for planning would also be an appropriate area for local government. But it may not be practicable nor expedient to make a political unit of an area that is suitable as a planning unit. So long as each member of the family of communities co-operates with the others to plan the development that affects their common life and interests so as to avoid overlapping and duplication of expenditure, with consequent confusion and waste, the centralization of government would not appear to be necessary or desirable. It is in the nature of things however that separate local authorities will insist on their independence and show jealousy of their neighbors, even in respect of those matters where joint action is highly desirable. The ideal would be a political structure which would leave existing local authorities to continue to manage their purely local affairs and would give the necessary power and funds to a regional commission to deal with matters affecting them in common, such as main lines of transportation and transit, traffic regulations, park systems, main drainage systems, and water supply. A regional commission would have to operate in one state and therefore it would be necessary to deal with the New York region in three parts corresponding to the state boundaries.

Surveys and plans need to be made for mining and agricultural as well as metropolitan regions.

The general scope of regional surveys may be summarized under the following heads:

1. General characteristics and physical features of the land;
2. Precise measurements and contours;
3. Classification of land uses, soil, minerals, etc;
4. Investigation of economics, industrial and social conditions and trends;
5. Adaptability of different parts for different purposes based on knowledge acquired in surveys and on studies of trends of growth;
6. System of transportation and transit;
7. Character of building development and street system;
8. State laws relating to civic affairs and local government.

In older countries historical and sociological features require more research than in new countries; but in all cases the surveys should be limited to the study of those things that are essential in connection with proper planning and development of the land. It is as important to avoid entering into unnecessary details in surveys as it is to make them deal comprehensively with essentials.

The survey would be followed by the preparation of comprehensive plans which would include within their scope:

1. Provision of facilities for carrying on and promoting industries—manufacture, agriculture, etc.;
2. Maintenance of the property values when created;
3. Securing wholesome housing and sanitary conditions;
4. Provision of means of communication by rail and road;
5. Planning of terminal facilities and systems of distribution;
6. Regulating the erection and arrangement of buildings so that they may enjoy protection of their light, air, and general amenities;
7. Conservation of natural resources and beauty, maintenance of proper scale between buildings and their surroundings, and prevention of indiscriminate mixing of buildings of different character;
8. Securing adequate open spaces for all purposes.

This brief summary indicates how intimately the regional survey and plan is related to questions of government.

REGIONAL AND CITY PLANNING—RELATIONS TO LOCAL GOVERNMENT.

The regional plan is merely a skeleton basis for the preparation of city, county, town, and village plans. It is a necessary basis to enable the local plan to be adjusted to the needs and conditions of the large region of which it is a part. It could only become a statutory plan if the state were to create a regional authority with power to make the plan and carry it out. But even in the absence of a legally constituted authority having power to give effect to a regional plan, the mere preparation of a plan can be of great value as a guide to local authorities in making city plans for their areas. Indeed there is a distinct value attached to having a plan which contains nothing that is mandatory and permits the utmost elasticity in adapting its proposals to local conditions, so long as it is followed up by action of the local authorities in making statutory plans for their areas. Among the merits of regional as compared with city planning is this greater degree of flexibility, and the fact that its appeal rests on its good qualities and not on force.

The detailed and definite city, town, or village plan, accompanied by the necessary legal provisions to give it effect, and forming with the provisions a scheme of development enforceable by law, can only be prepared and carried into effect by the municipal authority. It is the final and important act in the combined process of regional and city planning. The plan and legal provisions of the scheme would deal, *inter alia*, with:

1. The areas or zones to be prescribed for use for residences, industries, and business;
2. The height and character of buildings appropriate for erection in the different zones;
3. The space about buildings and area of any lot or acre that may be covered by buildings;
4. System of transportation, transit, and traffic regulations;
5. Principal traffic ways and regulations governing their use;
6. The street system, including variation in width of streets for different uses in the respective zones;
7. Control of platting of streets, blocks and lots;

8. Civic and neighborhood centres and arrangement of public buildings;
9. System of parks and parkways.

The scheme would have to conform to the provisions of state enabling acts.

The regional idea has developed without the aid or stimulus of regional machinery of government. In a few cases regional organization has taken some kind of form. In America we have witnessed the creation of state commissions of highways and parks which are a form of regional organization, and in New York we have interstate commissions and authorities. The proposal to create an official Buffalo regional planning board for the purpose of planning Buffalo and environs is probably the nearest approach to forming a regional planning authority with powers to administer and carry out the plan at the joint expense of the constituent local councils. In England joint town planning committees exist in many districts for the purpose of making regional plans, the cost being met by means of contributions from each constituent local authority. This contribution is apportioned in accordance with the assessed value of each municipal area. But even in such cases the regional plan cannot be put directly into effect. It contains nothing more than recommendations for the guidance of each local council in making the statutory city or town plan for its area. Thus, whether a regional committee is a committee of citizens independent of the governing authorities or a body representative of the municipal councils, its functions are as a rule only advisory. The only difference between these two kinds of committees up to the present is that the independent committee has to find its own revenues while the official committee receives its funds in the form of grants from the municipal councils that have organized to create it. The Plan of New York and Its Environs is being prepared by a non-official committee, the funds being provided by the Russell Sage Foundation. It has the advantage, as compared with a political organization, that it is unhampered by the local jealousies that are almost bound to arise because of the tendency of the largest co-operating authorities to control the activities of the official joint committee. The independent committee is not only free from political pressure but from the suspicion which arises when the initiative is taken by a large city to plan a region comprising the areas of less important municipalities that adjoin the city boundaries.

THE NEW YORK REGIONAL PLAN

In connection with the making of the regional survey and plan of New York we are having some experience of the relations which develop, and are desirable to promote, between an advisory regional planning committee and the bodies engaged in public administration.

The Survey.—The regional survey of New York and its environs has to be made by the Committee in collaboration with all the municipal authorities in the region. No case has occurred where there has been refusal of this collaboration. There have been many instances where desired information could not be obtained because it did not exist owing to local inefficiency. Power to enforce collection of this data would have been useful but it is questionable if the exercise of such power would be desirable even if it were obtained. The data being collected comes under four main headings as follows:

1. Physical;
2. Economic;
3. Social;
4. Legal.

We have the expert assistance and machinery to make investigations. As already stated we have obtained the fullest voluntary co-operation of the local authorities, but are without the machinery or power to secure uniformity or dictate the method in collecting data. Thus the costs of inquiry are greater because in order to obtain a uniform standard, we have to make good the defects in local knowledge that exist in some cases as compared with others. If more uniformity existed the work of making analyses would of course be greatly facilitated. No prescription can be laid down as to methods for collecting the necessary data or for defining the limits of what is essential or immaterial. Obviously reliance has to be placed on experience gained from day to day, and on discretion which continually has to be brought to bear on a great variety of conditions. Shrewd guesses have to be made in regard to many matters. A large number of sources of information exist outside the administrative bodies. The aid of chambers of commerce, gas, electrical, and telephone corporations, advisory planning commissions, real estate boards, and numerous other organizations has been sought and easily obtained.

To get effective aid it is necessary for a regional committee to give some kind of service to the municipal authorities in return. For this purpose the New York Committee maintains a small staff to give free advice and assist in local organization; to suggest amendments to state enabling acts so that local bodies may have greater powers to zone and plan their areas; and to promote conferences for discussion of regional and local problems.

The Plan.—When the plan is completed it will be published as a guide to all the authorities engaged in public administration. An effort is being made to educate these authorities to create planning commissions and to proceed with their local planning in conformity with the regional plan. The application of the regional plan will rest with these commissions and will have no force behind it other than its own merit and its appeal to public opinion. A regional council of citizens representative of all parts of the region has been formed to collaborate with the Committee on the Regional Plan. Copies of the publications of the committee on the plan will give particulars of its scope and character which cannot be included in this paper.

CONCLUDING OBSERVATIONS

As the movement for regional planning grows questions of regional organization will arise. It is evident that the movement will influence future proposals to extend or limit municipal boundaries. Subject to the passing by the state legislatures of adequate enabling acts for zoning and platting, the strengthening of state or interstate authorities to enable them efficiently to carry out large projects dealing with transportation, highway improvements, etc., it would seem that the best form in which to make regional surveys and plans is by means of advisory regional committees, collaborating with state authorities and with municipal councils within the region, and having sufficient funds to carry on a permanent campaign of education and local organization.

It would seem also that so far as the

regional planning movement has developed it has not given any clear indication of how local government machinery might be improved for the purpose of securing better facilities in making surveys and plans. Experience indicates that it is the standard of administration rather than the actual forms of government that needs to be improved. Therefore the fundamental need is a more intelligent public opinion to bring about the higher standards needed. Whatever may be said in favor of more centralization of government has to be set against the distinct loss that accrues from any destruction of local autonomy. Regional planning gives us some of the advantages of centralization without loss of the advantages of local government. Every state should have an expert advisory department on civic affairs and regional and city planning, but its function should be to assist and not to supersede the local government authority. The making of regional surveys and plans should, in course of time, show both how social and economic conditions may be improved through the agency of government, and how government activities may be adjusted to meet the new needs of urban growth.

THE INITIATIVE AND THE REFERENDUM IN 1923 AND 1924[1]

BY RALPH S. BOOTS
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A careful review of I. and R. during 1923 and 1924 with complete supporting data for 1924. :: :: :: :: :: :: ::

THE odd year is an "off" year for elections and consequently, in large measure, an equally "off" year for popular law-making. Little comment is called for by the constituent and legislative activity of the voters in 1923 in the states in which the initiative and the referendum may be employed. In only six of the twenty states included in this group were the voters asked to wrestle directly with the questions of state policy and in only four of these was this task thrust upon the electorate through the efforts of some of their fellows along the petition route. An initiated proposal for amendment was adopted in Oklahoma, and in Oregon an income tax law, referred by petition, was accepted. Maine voters defeated a measure, indirectly initiated, reducing the legal number of hours' work per week for females and minors, and Ohio refused an old-age pension system, similarly put on the ballot. Ohio voters also overwhelmingly rejected two finance measures which had been "referendumed," as the expression seems to go in South Dakota, both of which appear to a distant observer to possess merit. Success attended the petitioners, then, in two cases in Ohio and in one in Oklahoma. In the last state the amendment provided for convening the state legislature upon the written request of a majority of the members of the house of representatives for investigating the conduct of state officers subject to impeachment. The session of the legislature which assembled under this arrangement removed from office the governor of the state, as everyone knows. Oklahoma's experience suggests to every other state the need of some method of getting the legislature into session if and when, for any reason, the call of the governor cannot be depended on in an emergency. Oklahoma, if one may judge from the terms of the amendment as to the circumstances under which the legislature may (in a sense) call itself into session, doesn't propose to have the lawmakers hanging around the capitol unless there is specific work for them.

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[1] The following sources have been consulted in the preparation of this article:

Political Science Quarterly, March, 1925, Supplement, "Record of Political Events," pp. 80–99, Arthur W. Macmahon.

Bulletin No. 97, National Popular Government League, Judson King.

American Political Science Review (August, 1925), XIX, pp. 541–4, "Amendments to State Constitutions," 1923–4, F. H. Guild.

"Initiative and Referendum, Election Statistics in the Various States Which Have Initiative and Referendum Laws," Compiled by Hazel Ramussen, Wisconsin Legislative Reference Library, September, 1925.

Introduction to American Government, Frederic A. Ogg and P. Orman Ray, second edition, p. 616, note 1.

"New Laws Voted on November 4, 1924," *Current History Magazine*, February, 1925.

PROPOSITIONS VOTED ON DURING 1924

During 1924 the sovereign voter passed judgment on a total of 234 propositions. These propositions were by no means uniformly distributed among the several states. In ten states the voter had nothing to do formally with reference to the state government except to fill the offices. In each of ten other states only a single proposition appeared upon his electoral menu. Two proposals sought his attention in each of three states, and his task in seven others was limited to disposing of three. Thus in thirty states a total of thirty-seven measures were put through, or rather into, the electoral sieve. Mr. Voter puzzled his brain over an average of eleven measures in each of the remaining eighteen states, nine of them employing the I. and R. and nine of them not, and doubtless he frowned upon the twenty-nine appeals for his decision in Missouri, at two elections, and upon the magnificent total of fifty-two in the small state of South Carolina, all served at once. If these two offenders against the cardinal Greek virtue be eliminated, the average would be reduced to five. In the twenty so-called I. and R. states, 110 measures were passed in review, an average of five and one-half in each,—four without Missouri; in the twenty-eight other states, 124 proposals received the voters' verdict, an average of four and one-half in each,—two and one-half without the incontinent South Carolina. In California eighteen propositions were voted upon and in Louisiana, thirteen. No other state disposed of more than eight.

NUMBER OF PROPOSITIONS ADOPTED

Of the 234 opinions expressed by the state electorates, 99 were affirmative and 135 negative. If the action of Missouri and South Carolina be disregarded, there were 87 "yeas" and 66 "nays." Proposals for constitutional amendment numbered 186, of which 85 passed and 101 failed. Again, excepting South Carolina and Missouri from the count, 74 amendments succeeded and 34 failed. One may conclude that, in the main, the voters were somewhat more receptive to change than ordinarily. The voters show a greater tendency to approve resolutions of amendment submitted to them by legislative action than to approve initiated measures, or measures referred by petition, in the case of which, of course, the petitioners' object is disapproval. In view of these considerations, the apparently more favorable disposition toward proposals put before them this year, may be a reflection of the character of the propositions. The initiated measures and the measures preferred by petition make up a very much smaller proportion of the total grist this year than in 1922, there being 26 of the former as compared with 42 in 1922, and 14 of the latter as compared with 40 in 1922. Of the 26 initiated measures eleven were constitutional in character, only one of which was approved, along with five of the 15 statutory measures. It may be worth while to indicate the character of these popularly proposed laws. The two in Missouri levied a gasoline tax and permitted the consolidation of the city and the county of St. Louis; the two in California authorized boxing contests and created a fish and game district; the one in Montana imposed a license tax on mining companies, and that in Oregon repealed the income tax. There seems to be no smell of smoke from the red terror upon the garments of these offsprings of popular fancy. Of the fourteen measures subjected to the referendum, only two survived. This record shows the referendum 85.9 per cent effective, when it is appealed to. Of the fifteen propositions upon the ballots because of constitutional requirements, four were proposals for constitutional conventions in New Hampshire, Pennsylvania, South Dakota and Tennessee, all of which were defeated. With the exception of three in Illinois, the other proposals of this class were for bond issues.

PERCENTAGE OF VOTE CAST

An examination of the vote cast in the different states reveals the fact that of the 99 successful proposals, only eleven received over fifty per cent of the vote cast at the election or of the vote cast for some official at the same election. The tax limitation proposal in North Dakota also received more than fifty per cent of the vote cast for governor, but was defeated, nevertheless. These measures are, of course, not the same necessarily as those which received, for and against, the highest percentages of all the votes cast. On the other hand, several propositions were approved which received in their favor under thirty per cent of the vote for governor,—in Alabama, Connecticut (different election), Illinois, Louisiana, Maryland, Nevada, New Mexico, North Carolina, South Carolina, and Vermont (primary election). Wisconsin adopted a measure with 30.1 per cent of the vote cast for governor. The lowest percentages of the vote for governor which sufficed to carry propositions were those in Connecticut, 9.7 per cent; Vermont, 14.9 per cent; Louisiana, 20.1 per cent, Missouri (special election), six amendments, 12.5 per cent to 15.6 per cent. The average participation in the vote on propositions was under 50 per cent of the total vote cast in Alabama, Idaho (34.1 per cent), Louisiana, Maryland (38.2 per cent), New Mexico, New Jersey, North Carolina, South Carolina (38.5 per cent), and Vermont (16.6 per cent). The average was between 70 per cent and 80 per cent in Arkansas, Mississippi, Montana, and Wyoming; it was above 80 per cent in Kentucky, Michigan (95.6 per cent), Nebraska, North Dakota (91.1 per cent), Oregon (84.2 per cent), South Dakota (91.8 per cent), and Washington (82.6 per cent).

In the *Political Science Quarterly*, Supplement, March 1925, Professor Arthur Macmahon presents the following comparisons:

> On all measures this average (percentage of the total vote which was cast for propositions) was 57.0 per cent; on constitutional amendments it was 51.3 per cent; on measures referred by the legislature, 64.3 per cent; on measures referred by petition, 82.7 per cent; on initiated measures, 80.5 per cent. The higher degree of participation in the voting on the latter classes of propositions suggests a comparison which is always interesting, in as much as it bears at least distantly on the self-education involved in democratic processes. In the eighteen states which have the initiative and the referendum, the average for all measures was 73.6 per cent, whereas in the other states the corresponding average was only 46.2 per cent.

At the same time the Missouri voters displayed a high degree of indifference toward the important questions submitted to them by the recent constitutional convention, which was not taken into account in the calculation, and the vote in Connecticut would almost certainly have been much larger had it been cast at the time of a regular election. The following table presents a comparison of the averages within the I. and R. states upon the different types of measure:

	ARIZ.	CAL.	COL.	MASS.	MO.	MONT.	N. D.	ORE.	S. D.	WASH.
Submitted by legislature	57.5	61.2	62.2	69.6	65.0	74.4	88.6	82.5	101.5	69.2
Submitted by initiative	68.2	75.0	78.6	....	71.3	88.1	100.6	83.8	....	92.0
Submitted by referendum	63.0	....	....	67.4	....	....	87.6	94.0	89.4	95.3

The proposal to appropriate $100,000 for an investigation of the power possibilities of the Colorado River received the largest vote in Arizona; the public development of water power attracted the most attention in California; the question of printing textbooks by the state stood first in Colorado; the prohibition of the income tax elicited action from nearly twenty per cent more voters than any other measure in Florida; whether Peach County should be created took the prize in Georgia; ratification of the child-labor amendment stood first easily in Massachusetts; gas tax measures in Minnesota and Missouri polled the most votes; compulsory school attendance was the popular measure in Michigan and Washington, the "oleo" bill in Oregon (second in Washington), tax limitation in North Dakota, and the constitutional convention in South Dakota. Position on the ballot doubtless has a considerable influence on the number of votes received. Aside from this factor, it is apparent that the majority of these high measures were simple in character and lent themselves to positive support or positive disapproval, and in many instances affected intimately a great proportion of the electorate. There is opportunity for a serious study of the part which the press plays in the degree of public attention devoted to propositions put before the voters. It will be noted that two measures failed of adoption in Illinois, two in Minnesota, and one in Wyoming, because of the requirement that a majority of those voting at the election is necessary for approval. It is not difficult to see what havoc such a provision would have worked among the measures submitted in other states. The *Oregon Voter* estimates that a measure submitted at a general election encounters a handicap of fifteen per cent of "No" votes. The character of the voters who take the trouble to express themselves on propositions has not been carefully investigated as yet on any large scale. If they are representative in character the result is just the same as if everybody should vote. Is the voter whose disposition is "anti" more disposed to express it when he has come to the polls for other purposes, than is the voter whose attitude is not so negative, reactionary, conservative or "agin"?

GENERAL CHARACTER OF THE MEASURES

In importance of subject matter the measures show about as wide a range as the product of the state legislatures. The extremes are perhaps illustrated at the one end by the $500,000,000 power proposal in California, the compulsory public school attendance propositions in Michigan and Washington, the literacy qualification for the suffrage in Oregon, and biennial or annual sessions of the legislature in Georgia and South Carolina; and, at the other end of the scale, by the jurisdiction of inferior courts in cases of forcible entry and detainer in California, the creation of Peach County in Georgia, a five and one-half mill tax for the support of the schools in Caddo parish in Louisiana, the compensation of the state attorney in Baltimore, Maryland, a change of date in the primary in South Dakota, and the two score, lacking one, proposals to exempt this, that, and the other local government unit from the constitutional debt limitation in South Carolina.

Adopting the basis of classification used by Mr. Schuyler Wallace for the 1922 content of the popular legislative hopper, one notes that 90 of the 234 measures of 1924 were political in purpose or character, 108 financial, 12 social, and 24 economic or industrial. The number of financial measures is unduly swollen by the 39 attempts to raise local debt limits in South Carolina. Of the measures of these four types, in order, 45, 43, 4, and 7, were approved; 45, 65, 8, and 17, rejected.

The approved and rejected financial proposals will stand 43 and 26 if those submitted in South Carolina are not counted.

A larger number of the political proposals had to do with elections than with any other single subject. Nebraska and North Dakota voters refused to place all state and local offices on a non-partisan basis and the latter declined as well to write the direct primary into the constitution, while South Dakota voters refused to repeal the non-partisan method of electing the judiciary. Montana repealed the state presidential primary and Missouri preferred not to have the choice of primary or convention made optional with the parties. Oregon imposed a literacy qualification upon voters and Missouri restricted the suffrage to citizens. Mississippi decided to continue to allow the governor to appoint certain levee commissioners instead of turning their selection over to the voters. Missouri electors would neither raise the salaries of legislators nor permit the legislature to do so and Colorado took the latter position with reference to salaries of officers heretofore fixed in the constitution. North Carolina also thinks legislators are paid enough, but California took the generous view of a similar question.[2]

Comprehensive plans of reorganization for the executive and judicial departments were defeated in Missouri, and a consolidation of local governments in Duval County (containing Jacksonville) was killed in Florida, but

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[2] See *American Political Science Review*, XIX, p. 543, where Washington is said to have defeated a proposal to increase legislators' salaries. This vote seems to have been taken in 1922. North Carolina is not mentioned.

Georgia decided to permit the consolidation of city and county in certain cases. Missouri authorized consolidation for St. Louis and St. Louis County, and Washington permitted an extensive classification of counties in order to combine some of the county offices. New Mexico disapproved a change in the term of county and state officers from four to two years, while South Carolina lengthened the terms of governor, attorney-general, and other officers, from two to four years, although balking at the same modification for the state superintendent of education. Georgia and South Carolina adopted biennial sessions of the legislature. New local government areas or administrative districts were authorized in Louisiana, Georgia, and Alabama. Increased freedom of municipal government from legislative control met with acceptance in Arkansas, Nevada, and Wisconsin: the first forbade special legislation and provided the I. and R. locally as a substitute, the second authorized a legislative grant of home rule, and the third adopted constitutional home rule. Missouri, on the other hand, declined to extend home rule to places of 3,000 population or more.

FINANCIAL MEASURES

Among the financial measures are listed various bonus or pension propositions, although these might perhaps as logically, or even more logically, be included in the social group. Louisiana and Texas approved extensions or increases in pensions to Confederate veterans. Maryland, North Carolina and Missouri voted money or loans to veterans of the World War, Oregon included women warriors and Spanish War veterans, Montana turned down the World War veterans, Kansas likewise, with the Spanish fighters included, and Colorado opposed a bonus to veterans of either sex of all the wars since 1861. The voting on other bond issues broke almost evenly. California frowned upon three proposals for tax exemptions; in Alabama, Georgia and North Carolina exemptions carried. Nearly all attempts to limit tax rates failed, as in Missouri, North Dakota and Washington, although North Carolina stiffened the state debt limit. Florida, on the other hand, prohibited forever the income and inheritance taxes, but South Carolina voters retained a three-mill state school tax. Michigan defeated and Oregon repealed an income tax. Missouri and Minnesota levied gasoline taxes, but Massachusetts would not have one. Propositions to permit the legislative classification of property for taxation purposes or to tax certain different classes at different rates were viewed favorably in Kansas, California and Florida, but turned down in Missouri and Mississippi.

OTHER MEASURES

Of outstanding interest among the social measures were the proposals defeated in Michigan and Washington which would have made attendance at public schools compulsory for all children, thus practically abolishing private and church schools. Missouri deprived conscientious objectors of exemption from military service and Nevada struck out of the bill of rights a clause guaranteeing aliens the same property rights as citizens. California authorized boxing and wrestling matches for prizes, while wild and woolly Arizona refused to permit the operation of pari-mutuals in horse-racing by rejecting a measure which also forbade bookmaking. Massachusetts voters in an advisory referendum overwhelmingly opposed ratification of the child-labor amendment, but adopted, in contrast with their action in

1922, a prohibition enforcement law.

The most striking and ambitious "socialistic" proposal among the economic or industrial group was the $500,000,000 bond issue plan for the development of irrigation and water power decisively rejected by the voters of California. The public printing of textbooks received little encouragement in Colorado, nor the establishment of state-owned elevators in Minnesota, nor the enlargement of the obligations of public-warehouse owners in South Dakota. An extensive reforestation program went down to defeat in Minnesota although it received a three to one endorsement, while compulsory clearing of private lands to prevent forest fires was approved and Wisconsin voted a tax to permit the acquisition and improvement of forests by the state. A scheme for the public development of water transportation and terminals met with disaster in North Carolina. Washington disapproved permission for the sale by any city of electric current to other cities or persons either when accompanied with a state tax upon the proceeds or with the privilege of exercising the power of eminent domain in its accomplishment. Banking regulations passed in Illinois, one prohibiting branch banks. Missouri refused to permit workmen's compensation legislation, North Dakota to grant a labor lien upon farm products, and both Washington and Oregon to forbid the sale of vegetable fats as a substitute for butter.

WHAT ARE THE CONCLUSIONS?

The reader may draw his own conclusions as to the quality of the voters' work. Most of it, he would have to do if the I. and R. had never been adopted anywhere. A lengthy, detailed state constitution is liable to put a greater burden upon the voter and demand of him the performance of more exacting tasks than do the I. and R. The voter is rather prone to change his mind from year to year. In this respect he is altogether normal. Legislators are about equally normal, in all probability. Oregon voters defeated an income tax in 1922; at a special election in 1923 when the legislature's action was referred by petition they adopted it, and in 1924 it was repealed by way of the initiative. In 1914 the voters of California abolished the poll tax and prohibited prize fights; in 1924 they authorized an educational poll tax and boxing and wrestling contests for prizes. Groups of voters keep at the electorate with their proposals year after year, likewise do lobbies attempt to persuade legislatures, session after session.

When one glances over the 14,200-word workmen's compensation measure for Missouri, he doesn't wonder that the voter played safe by voting against it. Only less formidable by actual count were the 7,500-word local tax and budget act submitted to the Ohio voters, or the 5,300-word election law amendment which South Dakota voters were invited to study. When one reads the conflicting arguments presented in the official publicity pamphlets and notes the ballot titles, he finds himself in hearty agreement with Judson King, Director of the National Popular Government League, on the importance of finding some practical solution of the publicity question. The simple explanation accompanying the measures submitted to popular vote in Illinois commended themselves to the writer. Such statements of content and purpose should accompany every publication of such proposals and indeed should, if possible, appear upon the ballot. The difficulty of insuring a fair description of the meaning and significance of these measures will doubtless remain as long as there is any necessity of taking the opinion of the voters upon them.

There are indications that the problem of propaganda is not without its difficulties in the operation of the initiative and the referendum.[3] Governor Pierce of Oregon in his 1925 message asserts that the repeal of the income tax law "was accomplished by the prodigal use of a lavish campaign fund spent very largely in the repeated publication of false and misleading propaganda." He also attributed the great majority against the oleomargarine bill to the same cause. The California committee's investigation disclosed two outstanding features: startlingly large expenditures in campaigns on such measures and campaign methods and practices that constitute a menace to the electoral system. The committee points out that in the case of seven strenuously contested propositions, that side won which spent the most money, and believes the coincidence of success and greatest expenditures was "too universal to be attributed merely to chance or accident." The total ascertained expenditure on these seven measures was $1,081,784, but the committee cautions the reader against supposing that this sum represents all the expenditures made, since local organizations may have spent in many cases less than $1,000 (the amount required to be reported) and since it is difficult if not impossible to determine to what extent general advertising was used indirectly for political purposes. Democracy will have to take pains to guard the sources of its information for the accelerators of public opinion seem to be increasing among us.

DUPLICATION OF EFFORT IN GATHERING DATA

The existence of an unprofitable duplication of effort is forced upon one's attention in connection with this study of popular law-making in 1924. The citations at another place in this article indicate the number of persons engaged in practically identical work, which involved the use of the same material and the consultation of the same public records and communication with the same public officials. Perhaps this duplication of effort is as necessary to progress as some think the presence of a half-dozen milk wagons on the same street every day. Students of government, however, are accustomed to attack with a good deal of vigor the overlapping of services in governmental organizations. The question may be put seriously whether one of the publications in the field of political science could not be very advantageously employed to present, from month to month, lists of the undertakings which members of the several associations plan to carry on. Co-operative activity might well result in the economy of time and effort and the production of better and more reliable results. Of course, no one would be deterred from following up the same investigation as another if he believed he could achieve a higher degree of success or for any other reason. The fact that perhaps many individuals subscribe to only one of three or four periodicals which cover the field of current political activity seems to be almost the only justification for the present situation.

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[3] "Water-Power Fight in California," *Nation*, 121:508, November 4, 1925; "The Dancing Bear," Frederic Nelson, *New Republic*, 43:15, May 27, 1925; Report of Senate Committee appointed to investigate expenditures for and against the measures on the ballot at the general election held on November 7, 1922, California Legislature, 1923.

SUMMARY OF MEASURES SUBMITTED TO POPULAR VOTE IN THE UNITED STATES IN 1924

State	Submitted by the Legislature or by Constitutional Convention	Submitted by Means of Referendum Petition	Submitted by Means of Initiative Petition	Total	Approved	Rejected
Alabama	7 (7)‡	..	.. ..	7	7	..
Arizona*	1 (1)	1	4 (1)	6	..	6
Arkansas*	3 (3)	..	.. ..	3	3	..
California*	14 (14)	..	4 (2)	18	12	6
Colorado*	2 (2)	..	1 (1)	3	..	3
Connecticut	1 (1)	..	.. ..	1	1	..
Delaware	.. ..	..	.. ..	..	..	..
Florida	5 (5)	..	.. ..	5	4	1
Georgia	8 (8)	..	.. ..	8	8	..
Idaho	1 (1)	..	.. ..	1	..	1
Illinois	5 (1)	..	.. ..	5	3	2
Indiana	.. ..	..	.. ..	..	..	..
Iowa	.. ..	..	.. ..	..	..	..
Kansas	2 (1)	..	.. ..	2	1	1
Kentucky	1 ..	..	.. ..	1	..	1
Louisiana	13 (13)	..	.. ..	13	10	3
Maine*	.. ..	..	.. ..	..	..	..
Maryland†	2 (2)	..	.. ..	2	2	..
Massachusetts*	4 (2)	3	.. ..	7	5	2
Michigan*	.. ..	..	3 (3)	3	..	3
Minnesota	5 (5)	..	.. ..	5	2	3
Mississippi	3 (3)	..	.. ..	3	..	3
Missouri*	25 (25)	..	4 (2)	29	8	21
Montana*	4 (3)	..	1 ..	5	4	1
Nebraska*	.. ..	..	1 (1)	1	..	1
Nevada*	3 (3)	..	.. ..	3	2	1
New Hampshire	1 ..	..	.. ..	1	..	1
New Jersey	1 ..	..	.. ..	1	1	..
New Mexico†	3 (3)	..	.. ..	3	1	2
New York	1 ..	..	.. ..	1	1	..
North Carolina	6 (4)	..	.. ..	6	4	2
North Dakota*	2 (2)	4	2 ..	8	2	6
Ohio*	.. ..	..	.. ..	..	..	..
Oklahoma*	.. ..	..	.. ..	..	..	..
Oregon*	3 (3)	1	3 (1)	7	4	3
Pennsylvania	1 ..	..	.. ..	1	..	1
Rhode Island	.. ..	..	.. ..	..	..	..
South Carolina	52 (51)	..	.. ..	52	4	48
South Dakota*	1 ..	4	.. ..	5	..	5
Tennessee	1 ..	..	.. ..	1	..	1
Texas	1 (1)	..	.. ..	1	1	..
Utah*	.. ..	..	.. ..	..	..	..
Vermont	4 (4)	..	.. ..	4	4	..
Virginia	.. ..	..	.. ..	..	..	..
Washington*	3 (2)	1	3 ..	7	1	6
West Virginia	.. ..	..	.. ..	..	..	..
Wisconsin	3 (3)	..	.. ..	3	3	..
Wyoming	2 (2)	..	.. ..	2	1	1
Totals	194 (175)	14	26 (11)	234	99	135

* In the states designated thus, the initiative and the referendum may be used.

† In the states designated thus, the referendum may be used.

‡ The figures in parentheses to the right of these, indicating the number of measures submitted by the legislatures and the number submitted by means of the initiative, represent the number of each which were proposals for constitutional amendment.

PROPOSITIONS SUBMITTED TO THE VOTERS IN THE SEVERAL STATES, 1924

CONSTITUTIONAL AMENDMENTS

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR GOVERNOR CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR GOVERNOR CAST FOR THE PROPOSITION
	FOR	AGAINST		
Alabama				
(By legislature)[2]				
Exempting World War veterans from the constitutional poll-tax	*75,924*[1]	32,982	55.8[3]	39.0
Authorizing the legislature to form drainage, road, or seawall districts, and to assess a part or the whole of the cost of improvements against the land in such districts	*60,095*	29,825	46.1	30.8
Authorizing the county of Mobile to collect certain school taxes	*58,559*	28,873	44.8	30.0
Authorizing certain municipalities to collect taxes for school purposes at a certain rate	*55,321*	28,891	43.2	28.3
Authorizing Mobile county to incur certain indebtedness for road-building	*57,410*	28,041	43.8	29.4
Authorizing Walker county to levy a special road-tax upon the approval of the qualified voters	*56,535*	28,217	43.4	29.0
Authorizing certain school districts to collect a certain tax for school buildings, upon the approval of the voters	*54,926*	25,566	41.3	28.1
Arizona				
(By legislature)				
Providing for the apportionment of the members of the house of representatives among the counties in accordance with the number of votes cast for governor at the last preceding election	8,779	*34,602*	57.5	11.6
(By initiative petition)				
Providing for a bond issue of $3,500,000 to build a highway from the Hassayampa River to the Colorado River and to build a bridge over the latter	13,656	*40,372*	71.7	18.1
Arkansas				
(By legislature)[4]				
Increasing the number of judges of the supreme court from five to seven	*52,151*	40,955	74.0	41.4
Preventing officers of local government units from exceeding the revenues of these units for the current year by contracts, warrants, etc.	*57,854*	35,449	74.1	46.0
Prohibiting local legislation by the general assembly, conferring this power upon counties and municipalities, and providing a system of initiative and referendum for such legislation	*56,910*	34,174	72.4	45.2
California				
(By legislature)				
Increasing the compensation of members of the legislature and reducing the expenses of the legislature	*486,193*	391,933	65.6	36.3
Extending to any political subdivision the provision permitting the deposit in banks of the state of money in the custody of the state, county, or municipality	*515,412*	279,830	59.4	38.5
Increasing the jurisdiction of inferior courts created by the legislature	*518,292*	266,241	58.6	43.2
Requiring city and county treasurers to place at a certain time in each fiscal year a part of the taxes accruing for the use of each political subdivision at its disposal, and apparently omitting from the section amended the provision, authorizing a veterans' compensation and validating a veterans' welfare bond act	264,464	*564,252*	62.0	19.7
Basing the taxes on personal property for any current tax year, if the same are not secured by real estate, upon the tax rate levied upon real property for the preceding tax year	*490,782*	333,331	61.6	36.7
Providing that the legislature by general laws may provide such additional deputies as may be necessary for any county officer during his term and may increase the compensation of such deputies during the term of the principal officer	*423,921*	391,325	60.9	31.7

SEE FOOTNOTES ON PAGES 64–65

CONSTITUTIONAL AMENDMENTS—*Continued*

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR GOVERNOR CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR GOVERNOR CAST FOR THE PROPOSITION
	FOR	AGAINST		
California—Continued				
Authorizing[5] the taxation of intangible personalty (not now exempt) in a manner different from other property	*429,031*	368,014	59.6	32.0
Exempting from the state tax on insurance companies, county fire insurance companies (apparently co-operative in character) and materially decreasing the rate of taxation on transportation and transmission companies and upon franchises	287,194	*487,126*	57.9	21.4
Providing for the establishment of municipal courts as courts of record in any city or city and county and for appellate departments of the supreme court where such municipal courts are established	*475,217*	267,987	55.6	35.5
Declares that the legislature shall levy an annual educational poll-tax on every male inhabitant of the state between the ages of 21 and 50 years except those honorably discharged from the United States army, navy or marine corps, those paying real or personal property taxes of at least five dollars and certain defectives	*501,551*	486,134	73.8	37.5
Exempting[6] all bond hereafter issued by public utility districts of the state from taxation as state, county, municipality and other public district bonds are now exempt	314,750	*511,364*	61.8	23.5
Exempting[7] from taxation property not exceeding in value in any one county $50,000 used exclusively as air-ports or aviation fields under the control of the United States government	297,813	*533,775*	62.2	22.2
Including eminent domain proceedings against a public utility by an irrigation district or other public corporation or district among those for which the legislature may empower the railroad commission to fix the compensation to be paid	*472,723*	283,201	56.5	35.3
Declaring that any person duly registered as an elector in a district from which he moves to another precinct in the same county within 30 days of an election, shall for such election be deemed a qualified elector of the district from which he removed	*699,687*	197,657	67.1	52.3
(By initiative)				
Taxing all companies operating means of transportation on the public highways, 4% of their gross receipts for state purposes in lieu of all other taxes and empowering the legislature by two-thirds vote to change this rate	457,372	*541,241*	74.7	34.2
Appropriating $500,000,000 proceeds from a fifty-year bond issue for the development and distribution of water and electric energy under the direction of a board appointed by the governor and subject to recall	320,283	*751,985*	80.2	23.9
Colorado				
(By legislature)				
Authorizing adjusted compensation to veterans of the World War, Spanish-American War, and the Civil War	91,510	*119,586*	64.4	27.9
Authorizing the legislature to fix the salaries of all elective and appointive officers heretofore fixed in the constitution	67,230	*129,344*	60.0	20.5
(By initiative)				
Establishing the office of state printer and a printing building commission and a textbook commission to select texts for the schools of the state, all of which are to be publicly printed after 1930	32,150	*225,505*	78.6	9.9
Connecticut				
(By legislature)				
Governor given power to veto items in appropriation bills	*36,257*	10,601	12.5	9.7
(Voted upon at town meetings)				

SEE FOOTNOTES ON PAGES 64–65

CONSTITUTIONAL AMENDMENTS—*Continued*

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR GOVERNOR CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR GOVERNOR CAST FOR THE PROPOSITION
	FOR	AGAINST		
Florida				
(By legislature)				
Prohibiting the levy of inheritance or income taxes and exempting household goods to the value of $500	*60,640*	14,386	73.7	59.6
Empowering the legislature to establish a consolidated government throughout Duval county, subject to approval of the voters of the county	23,342	*32,850*	55.2	22.9
Limiting the power of special tax school districts to issue bonds	*38,036*	16,032	53.1	37.4
Making it the duty of the governor to call a special session of the legislature should the regular session of 1925 and of every tenth year thereafter fail to provide a reapportionment of the members, and compelling such special session to continue until such reapportionment is effected	*38,139*	14,108	51.3	37.5
Permitting the legislature to provide a special rate of taxation not to exceed five mills on the dollar on intangible property, which rate should be exclusive (sic.) of all other state, county, district, and municipal taxes	*36,971*	16,289	52.3	36.3
Georgia				
(By legislature)				
Exempting certain industries from taxation for a period not exceeding five years	*68,548*	25,623	56.6	41.2
Consolidating offices tax receiver and tax collector in the several counties	*69,070*	28,918	58.9	41.5
Consolidating city and county government in counties containing cities of 52,900 population or above	*64,918*	23,673	53.3	39.0
Creating a Coastal Highway District with power to issue bonds	*70,284*	17,804	53.0	42.2
Increasing the bonded indebtedness limit for Savannah	*70,141*	16,745	52.2	42.2
Creating Peach county	*77,952*	31,211	65.6	46.9
Substituting biennial sessions for annual sessions of the legislature	*79,170*	18,755	58.6	47.6
Permitting city of Brunswick to incur debt equal to 14% assessed valuation for acquiring and operating port facilities	*74,435*	17,261	55.1	44.7
Idaho				
(By legislature)				
Allowing waters made available by drainage works to be distributed to members of the drainage district, or if these have adequate supply, to other lands within the district, on payment proportionate share of assessments	18,163	*32,682*	34.1	12.1
Illinois				
(By legislature)[8]				
Permitting the legislature to propose amendments to two articles of the constitution at the same session, instead of one, and forbidding amendments to be proposed or voted on while the United States is engaged in war or within one year following the declaration of peace	704,665	*397,835*	42.7	27.3
Kansas				
(By legislature)				
Permitting classification of mineral products, money, mortgages, notes, and other evidence of debt for purposes of taxation	*250,813*	196,852	67.8	38.0
Louisiana				
(By legislature)				
Authorizing Orleans Parish school board to levy a certain tax and governing the use thereof	18,315	*56,037*	60.9	15.0
Authorizing the legislature to create port, harbor, and terminal districts as political subdivisions of the state	*29,081*	22,705	42.4	23.7
Increasing the salaries of judges of the civil district court for the parish of New Orleans	21,951	*32,531*	44.6	17.9

SEE FOOTNOTES ON PAGES 64–65

CONSTITUTIONAL AMENDMENTS—*Continued*

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR GOVERNOR CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR GOVERNOR CAST FOR THE PROPOSITION
	FOR	AGAINST		
Louisiana—Continued				
Authorizing gravity drainage-districts and gravity sub-drainage-districts to incur debt and issue negotiable bonds	*25,032*	24,356	40.4	20.5
Authorizing Caddo Parish to levy certain annual tax rate	*31,195*	21,917	43.5	25.5
Permitting Sabine Parish school board to levy additional maintenance tax	*32,317*	21,789	44.3	26.4
Ordering pensions to Confederate veterans and widows of certain qualifications	*45,825*	18,086	52.4	37.5
Empowering the legislature by general law to allow police juries to create road districts and sewerage districts, and municipal corporations to create sewerage districts, and these districts to incur debt and issue negotiable bonds within limits	*29,543*	20,745	41.2	24.2
Authorizing the city of New Orleans to issue certificates on its faith and credit for street paving purposes	*31,306*	20,370	42.3	25.6
Authorizing the board of liquidation of state debt to borrow additional funds for the completion of certain highways	*36,426*	22,426	48.2	29.8
Creating a special paving fund for the city of New Orleans	*30,763*	21,388	42.7	25.2
Increasing the salaries of district judges	24,670	*27,352*	42.6	20.2
Relating to the powers of the board of liquidation of city debt, city of New Orleans	*24,619*	22,772	38.8	20.1
Maryland				
(By legislature)[9]				
Changing the compensation of the state's attorney for Baltimore City	89,237	*44,297*	37.1	24.8
Providing for compensation of war veterans	*92,506*	49,544	39.4	25.7
Massachusetts				
(By legislature)				
Striking out the word "male" in the definition of the qualifications of voters for certain state officers	*456,919*	246,499	60.5	39.3
Enabling women to hold any state, county, or municipal office	*473,744*	266,377	63.7	40.7
Michigan				
(By initiative)				
Requiring all children residing in the state between the ages of seven and sixteen years to attend a public school until they have graduated from the eighth grade	421,472	*760,571*	102.2	36.4
Making it the duty of the legislature to provide an income tax, at rates prescribed in the proposed amendment	216,437	*913,833*	97.6	18.6
Declaring that the secretary of state, the attorney general, and the lieutenant governor (instead of the legislature) shall district the state for members of the legislature	231,718	*781,351*	87.4	20.0
Minnesota				
(By legislature)[10]				
Authorizing the state to levy an excise tax on the sale of fluids used for motor-vehicle purposes and requiring it to place the proceeds in the Trunk Highway Fund. (Apparently another exception to the clause forbidding the state to be a party to the carrying on of works of internal improvement)	*520,769*	197,455	82.6	59.9
Changing the requirements for the publication of proposed amendments to charters of cities and villages	246,414	*200,391*	51.4	28.3
Authorizing the establishment of two state-owned public terminal elevators, and the issuance of bonds therefor	253,732	*257,492*	58.8	29.1
Authorizing the enactment of laws to encourage and promote forestation and reforestation of publicly or privately owned lands, including irrepealable provisions for definite, limited taxation during a term of years and a yield tax afterwards	428,407	*143,977*	65.8	49.2

SEE FOOTNOTES ON PAGES 64–65

CONSTITUTIONAL AMENDMENTS—*Continued*

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR GOVERNOR CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR GOVERNOR CAST FOR THE PROPOSITION
	FOR	AGAINST		
Minnesota—Continued				
Permitting the state and its subdivisions, when authorized by the legislature, to incur debt in the work of preventing forest fires, including the compulsory clearing of publicly or privately owned wild lands and the assessment of benefits or the payment of damages	*460,965*	143,518	69.5	53.0
Mississippi				
(By legislature)				
Permitting a classification of property for taxation purposes and authorizing income and inheritance taxes	9,865	*83,689*	83.2	8.8
Permitting the voters of counties embraced within two levee districts to elect levee commissioners. (At present constitution requires governor to appoint)	33,992	*45,408*	71.0	30.2
Relating to the details of organization in certain levee districts	33,932	*50,463*	75.1	30.2
Missouri				
(By legislature)				
Adding two judges to the supreme court and authorizing the court to sit *en banc* or in three divisions of three judges each as ordered by the court, causes to be transferred to the court *en banc* when one of the judges of a division dissents from an opinion, or if a division orders, or if a federal question is involved	331,774	*526,553*	66.2	25.5
Repealing the method of amendment adopted in 1920, which provided for the submission of the question of holding a constitutional convention, and restoring the process theretofore existing	326,065	*511,152*	64.5	25.1
Permitting a board of freeholders, in revising the charter of St. Louis, to propose a house or houses of legislation to be elected by general ticket or by wards instead of "at least one house of legislation to be elected by general ticket"	391,346	*436,520*	63.8	30.0
Permitting the salary of members of the legislature to be increased to double their present amount (five dollars a day) and prohibiting the practice of nepotism in the appointment of employees	392,319	*459,599*	65.7	30.2
(By initiative)				
Authorizing the appointment, upon the petition of a certain per cent of the voters of St. Louis and of St. Louis county, of a board of freeholders to devise a scheme for the consolidation of said city and county to become effective after adoption by a majority of the voters of the city and a majority of the voters of the county voting thereon	*477,776*	385,516	66.6	36.8
Exempting from taxation certain property, including endowments or income, used exclusively for educational or charitable purposes, instead of permitting the legislature to exempt practically the same property by general laws	427,691	*461,031*	68.5	32.9
(By constitutional convention voted on at special election, February 26)[11]				
Enlarging the purposes for which religious corporations may own real and personal property, and simplifying the form of indictments and informations	168,553	*170,583*	26.9	13.0
Raising from five to ten per cent the number of petitions required to invoke the referendum, and from eight to twelve per cent the number for the constitutional initiative	123,811	*204,881*	25.2	9.4
Raising the pay of members of the legislature from five to ten dollars a day, limiting expenditures for legislature employees, and permitting workmen's compensation laws.	137,430	*190,911*	25.2	10.5

SEE FOOTNOTES ON PAGES 64–65

CONSTITUTIONAL AMENDMENTS—*Continued*

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR GOVERNOR CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR GOVERNOR CAST FOR THE PROPOSITION
	FOR	AGAINST		
Missouri—Continued				
Authorizing the issue of additional bonds not to exceed $4,600,000 to meet a deficiency in the payment of the soldiers' bonus......	*201,218*	135,234	25.8	15.6
Requiring the general assembly to provide by law for safeguarding and promoting the public health........................	138,837	*189,261*	25.2	10.6
Providing for the reorganization of the executive branch of the state government into not more than twelve departments and for an executive budget................	139,154	*190,524*	25.3	10.7
Providing for the organization of the judiciary, the nomination of candidates for a judicial office at a separate election, and for a judicial council with power to establish rules of procedure and to supervise the operation of the courts.................	128,808	*202,814*	25.4	9.8
Substituting the proposed state board of education for the superintendent of schools among the officials subject to impeachment	*163,642*	162,440	25.0	12.5
Withdrawing the suffrage from aliens who have declared their intention to become citizens, and requiring the legislature to regulate registration of voters in cities of more than 10,000 population instead of merely permitting such regulation in cities of more than 25,000 population.........	*175,580*	152,713	25.2	13.5
Giving political parties option to nominate candidates either by party primary or by convention, and requiring the legislature to regulate the process.................	122,604	*205,937*	25.3	9.4
Permitting the consolidation of adjoining counties, classifying cities and villages, prohibiting special or local laws, extending home rule to cities of 3,000 inhabitants or more, adjusting the relation of St. Louis to St. Louis county....................	154,873	*171,166*	25.0	11.9
Reducing the maximum state tax levy for general revenue from 15 mills to 10 mills, empowering cities to borrow money on the security of public utilities for acquiring public utilities, authorizing the financing of local improvements through revolving funds................................	139,704	*193,317*	25.6	10.8
Permitting the legislature to classify property for purposes of taxation and subjecting motor vehicles to registration fees, license taxes, and the general property tax.......	113,123	*216,985*	25.4	8.7
Abolishing the *ex officio* state board of equalization.............................	121,028	*203,711*	25.0	9.3
Creating an elective state board of education with power to appoint a commissioner of education...........................	114,022	*221,994*	25.8	8.8
Permitting the sale of the notes and bonds of corporations at a discount within legal limits and making void all fictitious issues of their stock or bonds..................	148,972	*176,822*	25.0	11.4
Striking out the exemption from military service on grounds of religious scruple.....	143,223	*183,958*	25.2	11.0
Authorizing legislation to provide for the removal, for cause, of all public officers, instead of county, city, town and township officers only, and forfeiting the office of any public official who appoints to the state service any relative within the fourth degree............................	*163,729*	161,648	25.0	12.5
Authorizing Kansas City to issue serial bonds for public improvements on the vote of two-thirds of the electors voting upon such a proposition.....................	*178,311*	147,953	25.1	13.7
Requiring two publications of proposed amendments to the constitution in each of two newspapers in each county and striking out the provisions for amendment by constitutional convention...........	155,283	*168,477*	24.8	11.9
Making provision for carrying the proposed amendments into effect, if adopted, and for continuing in force existing laws pending the changes......................	*167,478*	157,912	25.0	12.8

SEE FOOTNOTES ON PAGES 64–65

CONSTITUTIONAL AMENDMENTS—*Continued*

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR GOVERNOR CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR GOVERNOR CAST FOR THE PROPOSITION
	FOR	AGAINST		
Montana				
(By legislature)				
Substituting a legislative prescription of qualifications for the office of county superintendent of schools and other school district offices for a constitutional declaration of the eligibility of women...........	*81,814*	44,920	72.7	46.9
Providing for the acceptance and administration by the state of gifts and legacies for the creation of a state permanent revenue fund, a state permanent school fund, a permanent revenue fund for the University of Montana and for the benefit of other useful objects................	*73,574*	49,267	70.4	42.2
Authorizing a bond issue of $4,500,000 for the payment of compensation to World War veterans.........................	66,245	*67,814*	76.9	38.0
Nebraska				
(By initiative)				
Removing the party circle from the ballot, and party designations from all candidates for county and state offices, and writing the direct primary into the constitution...	163,932	*228,425*	87.5	36.5
Nevada				
(By legislature)[12]				
Authorizing the legislature by general laws to enable the electors of cities and towns to frame charters for their own government or to amend existing charters...........	*7,698*	6,185	53.4	29.6
Striking out a section of the constitution which guaranteed to aliens, bona fide residents of the state, the same property rights as native citizens.....................	*6,280*	6,249	48.2	24.1
Apparently withdrawing from the legislature a slight power to restrict or regulate, beyond the constitutional provisions, the conditions of loaning the school funds of the state............................	5,175	*10,614*	60.7	19.9
New Mexico				
(By legislature)				
Changing the term of county officers from four to two years, the maximum tenure from two terms to one term, and increasing the period of ineligibility thereafter, for any county office, from two to four years.	20,685	*28,363*	42.6	17.9
Changing similarly the terms, tenure, and eligibility of the eight elective officers of the state executive department..........	21,369	*26,972*	42.0	18.4
Permitting prosecution for crime upon information after a preliminary examination before a magistrate or the waiver of such examination, and providing processes for calling grand juries...................	*28,420*	21,166	43.0	24.6
North Carolina				
(By legislature)				
Forbidding the legislature to use any part of any sinking fund for any purpose other than the retirement of the bonds for which created............................	*109,439*	50,571	33.3	22.7
Exempting from taxation fifty per cent of the value not exceeding $8,000 of all notes, loans and mortgages given for the purchase or repair of a home, and exempting the home-owner from tax upon fifty per cent of the value, as well, provided the note is listed and taxed in the county where the land lies. (Present constitution exempts purchase price only when not in excess of $3,000)............................	*149,151*	46,827	40.8	31.0
Raising the pay of members of the legislature from four dollars a day for not to exceed sixty days, to $600 for a session not to exceed sixty days....................	97,248	*112,606*	43.7	20.2

SEE FOOTNOTES ON PAGES 64–65

CONSTITUTIONAL AMENDMENTS—*Continued*

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR GOVERNOR CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR GOVERNOR CAST FOR THE PROPOSITION
	FOR	AGAINST		
North Carolina—Continued				
With certain exceptions, limiting the power of the legislature to contract debts to an amount equal to seven and one-half per cent of the assessed valuation of the state. (Present constitution forbids, until the bonds of the state shall be at par, the creation of any new debt, with certain exceptions, unless in the same bill there shall be levied a special tax to pay the interest annually)	*127,937*	43,026	35.6	26.6
North Dakota				
(By legislature)				
Requiring provision to be made for the retirement of state bonds within thirty years of the date of issue instead of within thirty years of the passage of the law authorizing their issue	*64,996*	57,345	89.4	47.5
Making the county judge in counties having 6,000 population or less also the clerk of the district court	*70,447*	49,762	87.9	51.5
(Voted on at the 1924 primary election, vote for national committeeman being 123,214.)				
Oregon				
(By legislature) [13]				
Providing a literacy qualification for voters	*184,031*	48,645	87.8	69.4
Declaring the use of all roads, ways, and waterways necessary for the transportation of the raw products of the farm, mine, or forest, or of water, a public use	*134,071*	65,133	75.2	50.6
Extending the bonus privileges to certain females engaged in war services in the World War and to veterans of the Spanish-American War who served ninety days	*131,199*	92,446	84.4	49.5
(By initiative)				
Making the workmen's compensation law compulsory for all hazardous occupations and requiring every act of the legislature amending the compensation laws or the rulings of the industrial accident commission to be referred to the people	73,270	*151,862*	85.0	27.6
South Carolina				
(By legislature) [14]				
Changing the term of the state superintendent of education from two to four years	12,261	*12,338*	48.4	24.1
Making legislative sessions biennial instead of annual	*13,102*	11,757	48.9	25.8
Changing the term of office of the attorney general from two to four years	*12,358*	12,163	48.3	24.3
Changing the term of certain state officers from two to four years, including the secretary of state, treasurer and comptroller general	*12,431*	12,402	48.9	24.4
Changing the term of office of the governor from two to four years	*12,677*	12,558	49.7	24.9
Changing the beginning of the fiscal year from the first day of January to the first day of July	11,520	*12,158*	46.6	22.6
Making it the duty of the governor to call a special session of the legislature upon the petition of two-thirds of the members	11,241	*11,680*	45.1	22.1
Requiring levy of a tax biennially for the purpose of meeting indebtedness, instead of annually to correspond with the proposal for biennial sessions	9,652	*11,138*	40.9	19.0
Abolishing the three mill annual levy by county authorities for school purposes	10,201	*12,934*	45.5	20.1
Removing a maximum limitation upon the area of school districts	9,575	*11,305*	41.1	18.8
Modifying the limitation upon bonded indebtedness by adding a proviso as to cities of more than 1,000 inhabitants	8,646	*10,716*	38.1	12.0
Modifying the power of Greenville and Spartanburg abutting property for permanent improvements	8,454	*10,445*	37.2	16.6

SEE FOOTNOTES ON PAGES 64–65

CONSTITUTIONAL AMENDMENTS—*Continued*

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR GOVERNOR CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR GOVERNOR CAST FOR THE PROPOSITION
	FOR	AGAINST		
South Carolina—Continued				
Thirty-nine proposals excepting various local government areas from the constitutional limitations imposed upon their indebtedness (8% of assessed valuation for any single area, 15% for any combination of areas.) (Average). All failed of adoption........	7,957	*10,511*	36.3	15.6
Texas				
(By legislature) [15]				
Increasing to seven-tenths of a mill the tax for a confederate soldier pension fund (The original confederate pension amendment was adopted in 1912, a proposal for an increased levy was defeated at the primary election in 1921)......................	*203,751*	79,968	43.6	31.3
Vermont				
(By legislature) [15a]				
Placing men and women on the same footing as to the age before which they can be held to servitude or as apprentices without their consent............................	*15,617*	2,025	17.1	15.1
Permitting a person accused of a crime not punishable by death or imprisonment in the state prison to waive his right to a jury trial................................	*15,377*	1,684	16.5	14.9
Enabling the general assembly to enact laws regulating the mode of filling vacancies in the house of representatives............	*15,499*	1,501	16.5	15.1
Extending to women the privileges and duties of suffrage..........................	*15,653*	1,235	16.4	15.2
Washington				
(By legislature)				
Authorizing the legislature by general law to classify the counties on a basis of population and to provide different officers in different counties and salaries in accordance with population and to provide for the strict accountability of all such officers for the fees collected by them..........	*137,093*	129,003	68.1	35.1
Directing the legislature to provide for a commission to locate the harbor lines in navigable waters in or in front of the corporate limits of cities, and forbidding the state to sell or lease to any private person any rights beyond such harbor limits, or to sell rights to the area between the harbor lines and the line of ordinary high water...	99,694	*136,749*	60.5	25.5
Wisconsin				
(By legislature)				
Providing constitutional home rule for cities and villages........................	*299,792*	190,165	61.5	37.6
Authorizing the state to appropriate not exceeding two-tenths mill tax for acquiring the forests of the state and improving them (Constitution now permits appropriations for public improvements only for highways)............................	*336,330*	173,563	64.0	42.2
Permitting the legislature to establish additional circuit judges in any county exceeding 85,000 in population (Legislature at present possesses such power for Milwaukee alone)........................	*240,207*	226,562	58.6	30.1
Wyoming				
(By legislature) [16]				
Authorizing the levy of a severance license tax on mines and mining claims..........	39,109	*27,795*	82.5	49.8
Authorizing the application of one-third the amount of royalties arising from the lease of school lands to the support of public schools............................	*50,903*	17,942	88.6	64.8

SEE FOOTNOTES ON PAGES 64–65

MEASURES SUBMITTED TO THE VOTERS BY THE LEGISLATURES VOLUNTARILY, OR BECAUSE REQUIRED TO DO SO BY THE CONSTITUTION, OR BY VIRTUE OF POPULAR PETITION

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR GOVERNOR CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR GOVERNOR CAST FOR THE PROPOSITION
	FOR	AGAINST		
Arizona				
(By petition)				
Providing that any candidate for a partisan or a non-partisan nomination, who should receive fifty-one per cent of the total number of votes cast at such primary, should be the only nominee for such office whose name would be printed upon the ballot...	13,166	*34,360*	63.0	17.4
Illinois				
(Required by the constitution)				
Authorizing the lease of the Illinois and Michigan canal and its right of way or any part thereof with certain restrictions and on certain terms......................	1,030,272	*505,234*	59.5	39.9
(Majority all votes cast at election required for approval.)				
Prohibiting branch banks................	*1,088,153*	517,827	62.2	42.1
Amending the banking law with the intent further to safeguard the interests of depositors in the state banks.................	*709,975*	364,165	41.6	27.5
Authorizing a bond issue to the amount of $100,000,000 to provide hard-surfaced roads over certain specified routes, with provision for an annual tax to pay the interest and retire the bonds in thirty years but permitting such payment to be made from other sources of revenue and requiring the money in the motor vehicle law road fund to be first used for such purpose......	*1,561,637*	544,250	81.6	60.5
Kansas				
(Required by constitution)				
Providing a bond-issue of $1,000,000 to pay compensation to veterans of the war with Spain, the Philippine insurrection, and the China relief expedition	250,282	*255,940*	76.7	37.9
Kentucky				
(Required by constitution)[17]				
Authorizing a $75,000,000 bond issue for roads...............................	275,873	*374,319*	82.5	35.0
Massachusetts				
(By petition)				
Prohibiting the manufacture, transportation, importation or exportation of intoxicating liquor as defined by law, or certain non-intoxicating beverages, unless there shall have been obtained the permit required by the law of the United States............	*454,656*	446,473	77.5	39.1
Taxing gasoline two cents a gallon, distributing half the proceeds to the municipalities in proportion to the amount of tax paid, and half to the state department of public works.............................	281,631	*547,460*	71.3	24.2
Requiring a license and bond for engaging in the business of receiving deposits of money or for transmitting the same to foreign countries.........................	*435,141*	187,228	53.5	37.4
(Voluntarily)				
Taking a vote on the retention of daylight-saving.............................	*492,239*	426,759	73.6	36.9
Taking a vote on the ratification of the child-labor amendment by the general court...	241,461	*697,563*	80.8	20.7
Montana				
(Voluntarily)				
Repealing what was an initiated measure of 1912 to provide a presidential preference primary and the direct election of delegates to the national conventions............	*77,948*	57,540	77.7	44.7
New Hampshire				
(Required by the constitution)				
Proposing a constitutional convention......	22,520	*42,616*	39.6	13.7

SEE FOOTNOTES ON PAGES 64–65

MEASURES SUBMITTED TO THE VOTERS BY THE LEGISLATURES VOLUNTARILY, OR BECAUSE REQUIRED TO DO SO BY THE CONSTITUTION, OR BY VIRTUE OF POPULAR PETITION—*Continued*

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR GOVERNOR CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR GOVERNOR CAST FOR THE PROPOSITION
	FOR	AGAINST		
New Jersey				
(Required by the constitution) [18]				
Proposing a bond issue not to exceed $8,000,000 for the construction of bridges or tunnels for vehicular or other traffic across the Delaware and Hudson rivers........	*412,820*	110,318	48.1	38.0
New York				
(Required by the constitution)				
Proposing a bond issue not to exceed $15,000,000 in amount for the extension and improvement of existing state parks and parkways in order to create a comprehensive and unified state park system.......	*1,542,928*	556,920	64.2	47.2
North Carolina				
(Required by the constitution)				
Proposing a bond-issue of $8,500,000 to provide port-terminals and water transportation..............................	126,820	*183,913*	64.7	26.4
Proposing a bond-issue of $2,000,000 for a revolving fund to enable World War veterans to acquire urban or rural houses.....	*143,015*	62,261	42.7	29.7
(Held by the supreme court to have failed of adoption because of the wording of the act.)				
North Dakota				
(By petition)				
Providing that precinct committeemen of the parties be apportioned among the precincts in proportion to the party vote for president, each precinct being entitled to one committeeman..................	54,867	*65,747*	88.2	40.1
Providing non-partisan nomination and election of state officers and members of the legislature but permitting candidates to have printed after their names on the ballot in not to exceed five words, the principles or faction which he represents...........	53,914	*66,621*	88.1	39.4
Relating to the organization of the state and county committees of the political parties.	53,449	*64,093*	85.9	39.0
Validating a tax settlement made by county commissioners and the state tax commissioner with banks practically on a basis of the personalty rate, for a period during which the state supreme court held bank stock exempt from taxation............	56,717	*64,189*	88.4	41.4
Oregon				
(By petition)				
Making unlawful the manufacture and sale of any substitute for butter or condensed milk containing vegetable fat............	91,597	*157,324*	94.0	34.5
Pennsylvania				
(Required by constitution)				
Proposing a constitutional convention in 1926	329,883	*988,442*	61.4	15.3
South Carolina				
(Required by constitution)				
Proposing a bond-issue of $10,000,000 for buildings at the educational, charitable and penal institutions of the state.......	8,765	*25,192*	66.9	17.2
South Dakota				
(Required by the constitution) [19]				
Resolution for a constitutional convention...	60,235	*117,086*	101.5	34.4
(By petition)				
Attaching the unorganized county of Todd to the county of Tripp instead of to Lyman, for judicial and other purposes..........	68,463	*89,440*	90.3	39.1
Repealing the non-partisan method of nominating and electing judges..............	54,966	*102,339*	90.0	31.4

SEE FOOTNOTES ON PAGES 64–65

MEASURES SUBMITTED TO THE VOTERS BY THE LEGISLATURES VOLUNTARILY, OR BECAUSE REQUIRED TO DO SO BY THE CONSTITUTION, OR BY VIRTUE OF POPULAR PETITION—*Continued*

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR GOVERNOR CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR GOVERNOR CAST FOR THE PROPOSITION
	FOR	AGAINST		
South Dakota—Continued				
Advancing about four months the time for certain steps in the primary election process, the precinct election, the county proposal meeting, the state proposal meeting, etc.	54,163	*102,240*	89.5	31.0
Changing the bond required of public warehouses to correspond to the value of the grain in storage, instead of to the capacity of the elevator, and compelling warehouses to receive grain offered for storage and hold it until disposed of by the owner	45,974	*107,859*	88.0	26.3
Tennessee				
(Required by constitution)				
Resolution for a constitutional convention	58,906	*82,169*	49.8	27.0
Washington				
(Voluntarily)				
Authorizing the sale by any city or town to any other city or town or person, of electric current, the former city or town to pay five percent of the gross receipts from all such sales to the state treasurer	99,450	*208,809*	78.9	25.4
(By petition)				
Prohibiting the manufacture and sale of any substitute for butter or condensed milk which shall contain any vegetable fat	169,047	*203,016*	95.3	43.3

MEASURES INITIATED BY POPULAR PETITION, EXCLUDING CONSTITUTIONAL AMENDMENTS

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR GOVERNOR CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR GOVERNOR CAST FOR THE PROPOSITION
	FOR	AGAINST		
Arizona				
Regulating the racing of horses, establishing a racing commission, authorizing the operation of pari-mutuals and forbidding bookmaking	12,946	*38,017*	67.6	17.1
Creating a state highway commission of three elective state officials and two citizen members to assume the highway functions vested at present in the director of state institutions and the appointed state engineer	15,398	*32,600*	63.7	20.4
Directing the board of directors of state institutions to make an investigation of power and irrigation possibilities upon the Colorado River, and appropriating $100,000 for this purpose	21,460	*33,910*	73.4	28.4
California				
Authorizing boxing and wrestling contests for prizes, creating an athletic commission (present law forbids all such contests except strictly amateur contests of not over four rounds)	*518,631*	498,217	76.0	38.8
Creating a Klamath River fish and game district and prohibiting the construction of any dam on the waters of said district	*560,785*	363,658	69.1	41.9
Missouri				
Providing[20] funds for a state highway system by means of a tax on gasoline and an increase in the fees for motor vehicle registration	*742,836*	348,007	84.1	57.3
Providing a system of workmen's compensation	262,948	*695,537*	66.2	20.2
Montana				
Levying an annual license tax upon all mining companies in the state according to the gross value of the product	*87,790*	65,742	88.1	50.3
North Dakota				
Limiting taxes and expenditures for 1925, 6, 7, to 75% of the taxes levied in 1923, making all officials responsible for debts contracted in excess of such limitations, permitting a majority vote of the electors in any subdivision of the state to increase the levy to 90% of the 1923 levy	97,384	*102,393*	106.4	51.9
Giving to any person who performs labor on a farm between April 1 and December 1, in any year, a lien on the crops grown during this time on the real estate upon which the labor is performed	51,550	*78,174*	94.8	37.7
Oregon				
Authorizing and regulating the practice of naturopathy	75,159	*122,839*	74.7	28.3
Repealing the income tax adopted in 1923	*123,799*	111,055	88.6	46.7
Washington				
Requiring all children between the ages of seven and sixteen years to attend the public schools	158,922	*221,500*	97.4	47.0
Limiting tax levies upon real and personal property by state, county, school district, and city or town to forty mills in the aggregate, property being assessed at half its value, provided the rate for subdivisions of the state may be increased on approval of three-fifths of those voting upon the question at a special election	128,677	*211,948*	87.2	32.9
Granting to every city and town the right to sell electric current to any other city or town or to any person inside or outside its corporate limits, and to exercise the power of eminent domain for this purpose	139,492	*217,393*	91.4	35.7

SEE FOOTNOTES ON PAGES 64–65

PROPOSITIONS VOTED UPON BY THE VOTERS IN THOSE STATES IN WHICH THE INITIATIVE AND REFERENDUM, OR EITHER, MAY BE EMPLOYED, 1923

STATE AND SUBJECT	VOTE	
	FOR	AGAINST
CONSTITUTIONAL AMENDMENTS [21]		
Maryland		
(By legislature)		
Authorizing mayor and council of Baltimore to increase salaries of judges of supreme bench, Baltimore City	61,525	*67,094*
Michigan		
(By legislature)		
Relating to the incorporation of ports and port-districts	*266,623*	207,926
Ohio		
(By legislature)		
Enabling the industrial commission to penalize an employer for the injury, disease or death of an employee resulting from the former's disregard of a law or order designed to protect the latter by an amount between fifteen and fifty per cent of the maximum compensation allowable	*588,851*	528,572
Eliminating the words "white male" from the Ohio constitution	*536,762*	421,744
Authorizing the publication of notice of constitutional amendments and proposed laws in newspapers, at the option of the secretary of state, instead of requiring the use of publicity pamphlets	351,515	*493,786*
Oklahoma		
(By legislature)		
Authorizing the enactment of a compulsory workmen's compensation measure	137,358	*120,761*
Making eligible to the constitutional elective offices persons citizens of the United States, thirty years old and qualified voters for three years (removing word "male")	*173,262*	84,445[23]
Providing [22] a soldiers' bonus in the form of industrial rehabilitation, equalized compensation, farm or home aid, and fixing the amount of such loan or compensation at $55,000,000	120,219	*142,682*
Limiting the ad valorem tax rate to 31½ mills and providing a state levy to create a fund totaling $15 for each child in school	*144,768*	116,711[23]
Authorizing the legislature to pay all lawful claims against the Depositors' Guaranty Fund, provided no direct ad valorem tax should be used for such purpose	111,081	*160,668*
(By initiative petition)		
Providing for the convening of the state legislature upon written request of a majority of the members of the house of representatives for investigating the conduct of state officers subject to impeachment	*209,452*	70,638
MEASURES REFERRED BY POPULAR PETITION		
Ohio		
Providing a county budget commission and raising the tax rate limit for certain units of government and permitting this limit to be exceeded upon approval of 60% of the electors	367,377	*728,087*
Creating a new county assessing board, designed especially to reach personal property, making the county the unit for the assessment of personal property, and abolishing the elective assessor	231,152	*765,163*
Oregon		
Levying an income tax	*58,647*	58,131
MEASURES SUBMITTED BY MEANS OF THE INITIATIVE PETITION		
Maine		
(Indirect)		
Reducing the maximum legal number of hours' work for male minors and for females from 54 to 48 per week	33,991	*53,784*
Ohio		
(Indirect)		
Providing an old-age pension system	390,599	*777,391*

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[1] If the proposition was approved, the vote "for" is printed in italics; if rejected, the vote "against" is printed in italics.

[2] The percentages which appear in the supplement to the March, 1925, *Science Quarterly* are used here, without independent calculation, except in the case of Missouri.

[3] Percentage computed on basis of vote for U. S. Senator.

[4] A special supreme court held these amendments adopted (268 S. W. Rep. 865); later the third was invalidated because of procedural irregularities (273 S. W. Rep. 355).

[5] See above, where it seems to be stated that this amendment failed.

[6] See above, where this amendment is reported to have passed.

[7] See *Am. Pol. Sci.* Rev., XIX, 542, where this proposal is said to have passed. No mention is made of a maximum exemption, nor of the necessity for the control of the U. S. government.

[8] Percentages computed on basis total vote cast.

[9] Percentages computed on basis vote for presidential electors.

[10] Percentages computed on basis total vote cast.

[11] See *Nat. Mun. Rev.*, XIII, 96–102 (Feb. 1924); W. W. Hollingsworth: *Am. Pol. Sci. Rev.*, XVIII, 8–33 (Feb. 1924); Loeb. *Ibid.*, 329–330 (May 1924).

[12] Percentages computed on basis vote for representative-at-large.

[13] Percentages computed on basis vote for U. S. Senator.

[14] Percentages computed on basis vote for presidential electors.

[15] Percentages computed on basis vote for presidential electors.

[15a] Vermont amendments were voted on at the presidential primary, March 4.

[16] Percentages computed on basis total vote cast in election.

[17] Percentages computed on basis vote for U. S. Senator.

[18] Percentages computed on basis vote for presidential election.

[19] Percentages computed on basis vote for U. S. Senator.

[20] See *Am. Pol. Sci. Rev.*, XIX, 542, where this proposition appears to be considered a constitutional amendment, and is reported to have failed.

[21] See *Am. Pol. Sci. Rev.*, XIX, 542, where Oklahoma is said to have extended its bonus to women.

[22] Amendment held void by state supreme court. Doubt has been expressed as to the legality of the entire election of October 2, 1925.

[23] Two unsuccessful attempts were made before the election, October 2, to enjoin the state election authorities from holding it. The day had been set by the governor in pursuance of a resolution of the legislature. The governor in vain, on October 1, recalled the election. In State v. State Board of Equalization (230 P. 743), the supreme court held that although the school levy amendment had received a majority of the votes cast at the election (289,100), since two-thirds of the total membership of each house of the legislature had not voted to submit the proposal at a special election, it had not been constitutionally adopted.

RECENT BOOKS REVIEWED

The State Police, Organization and Administration. By Bruce Smith. New York: The Macmillan Co. Pp. 281.

"The State Police" by Bruce Smith is a timely and splendidly written contribution that should be read by every person interested in law enforcement. As briefly stated in the preface, "It deals with the position of the police in state administration, their jurisdiction, the powers delegated to the administrative head, the direction, control, compensation and welfare of the rank and file, the distribution of patrol units and the patrol methods which are employed, criminal investigation, identification and crime prevention."

Rural police problems have increased enormously during the past century and consequently better methods must be devised to meet this complex social situation. State police are recommended by the author who conservatively adds, "If after longer experience the verdict of history is to the effect that the state police are not the proper agents to deal with the new social order of the country, the problem of rural crime in the new conditions will have to be faced in some other fashion."

There are very few, even among the most optimistic, who can successfully defend the present sheriff-constable system. Constant changes in personnel operate to prevent efficiency and precludes the possibility of sheriffs or constables from becoming efficient crime investigators. There are notable exceptions. As a general rule, however, sheriffs and constables are voted out of office at the end of their first term, hence they cannot acquire the police training necessary to cope successfully with modern police problems. Inefficiency of the sheriff-constable system is demonstrated by the author who compares this method with the more efficient state police system.

Municipal police are also contrasted with the state police organizations and suggestions are offered showing how each may be improved.

The particular features which serve to make virile and efficient state police are presented without embellishment. Defects in organization and administration are cleverly exposed by object lessons carefully selected from the several state police forces. This book is an honest and critical survey of the state police, unencumbered by unnecessary detail, but full of wholesome information.

Berkeley, Calif. August Vollmer.

⁂

American City Government. By William Anderson. New York: Henry Holt and Co. 1925. 675 pp.

This review is undertaken with a very considerable sense of embarrassment because of the reviewer's consciousness that certain of his comments are likely to be attributed to the jealousy which an author is supposed to feel with respect to any book which may compete with his own. Let it be said at the outset, therefore, that the present reviewer and the author of the volume under consideration are personal and professional friends who, though they represent different points of view and somewhat divergent schools of opinion, are not incapable of appreciating the merits of each other's work.

Dr. Anderson's book impresses the reviewer as one of the best treatises on municipal government ever written in this country. It is scholarly without being pedantic, and, despite the fact that it is packed with details, the author has so thoroughly mastered his materials that he has been able for the most part to keep the details in proper subordination to the main theme of his discourse. This is indeed a rare achievement.

The writing of a book of this sort, and particularly of one designed for use as a textbook, involves a most perplexing problem in selection and emphasis. The governing considerations usually are the author's personal experience and interests. It is quite evident from this book that Dr. Anderson's interests are centered upon the legal, administrative, and political aspects of city government. It is certainly desirable that these phases of the municipal problem should be adequately treated; but the reviewer is unable to resist the conviction that the book would be more serviceable if greater attention had been paid to the functional side of city government. It seems unfortunate that the students who use this book are not to be introduced to such subjects as city planning, public utility regulation, public safety, public works, and public welfare.

In his preface Dr. Anderson has issued a warning against the danger of attempting "to oversimplify problems which are, after all, somewhat complex." In so doing he imposes upon himself a responsibility for omniscience with respect to fact material which few would care to assume. Dr. Anderson is too painstaking a scholar to be guilty of conspicuous errors of fact; but the factual basis of municipal government is so prodigiously complex—it is infinitely more so than that of any other subject in the domain of political science—that he, like all other writers in the field of city government, cannot escape the charge of being wrong on various points of fact. Such being the case, the mention of debatable items of one sort or another cannot be taken as an indictment of the substantial accuracy of the book. For example, one might very well dispute the assertion (p. 136) that, "Very clearly there is no such thing as 'a Jewish vote,' despite all that is said about it." That statement may be true of the cities with which Dr. Anderson is familiar; but had he access to the inner councils of the regular political organizations in certain other cities, he could not mistake the fact that there is most decidedly "a Jewish vote" in those cities, and that it is just as deliverable as any other group vote.

This instance perfectly illustrates the difficulties which beset the student of municipal government. There are more than 15,000 incorporated municipalities in the United States, and at least 300 of these are of sufficient size to come within the purview of the student of municipal affairs. No individual can hope to have an intimate knowledge of conditions in more than a small fraction of these, and no book can be expected to contain generalizations which will be accurate with respect to all of them.

Chester C. Maxey.

Whitman College.

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New Aspects of Politics. By Charles E. Merriam. Chicago: The University of Chicago Press, 1925. Pp. xvi, 253.

This volume is made up of eight essays, some of which have already appeared in various periodicals. All of them possess a unity in point of view despite a seemingly wide variety in the topics dealt with. For they have all something to do with the "New Politics," as Professor Merriam calls his general theme. They are part of the large contribution which the author has made and is making in the field of political reasoning.

Perhaps the most interesting of the eight essays is the one in which Professor Merriam discusses the relations between politics and psychology. He shows how the latter can help the former, which would seem to be a rather superfluous task in view of the way the psychologists have recently swarmed into the field of political science with an assurance that they can solve its age-old problems by merely calculating the means and the modes, by noting the "behavioristic" tendencies of "atypical" elements in the population, and whatnot. Is there any science this side of paradise which the psychologists cannot help, according to their own modest admissions?

But Professor Merriam's essays are not all tied up with the psychological approach. There is a good discussion of the relation between the scientific study of political phenomena and the science of statistics. Here we are on firmer ground for when all is said and done figures must inevitably be for the political scientist, as for the economist, his most dependable data. The prudent economist may flirt with "psychological factors," but he keeps his eye pretty closely on the bank clearings and the price level. Nevertheless Professor Merriam's work is timely and useful because political scientists as a class have given too little attention to the human equation. Politics is a human activity, very much so—an activity in which the emotions often play a much greater part than cold reason does. The author's plea for more study of man as a social animal is entirely to the point, and he gives some suggestions as to the lines along which this study may be most advantageoulsy pursued. All in all these essays make a stimulating book, worthy not alone to be read but to be pondered—if there is any pondering left in these busy days.

William Bennett Munro.

GOVERNMENTAL RESEARCH CONFERENCE NOTES

EDITED BY ARCH MANDEL

Annual Meeting.—In joint session with the National Municipal League, the American Association of Civic Secretaries and the American Civic Association, the Governmental Research Conference held its fifteenth meeting in Pittsburgh on November 17, 18 and 19, 1925. On November 17, the first day of the meeting, the research group met separately, carrying out a special program.

Research bureaus from coast to coast were represented, the most distant one being the San Francisco Bureau, the director of which, W. H. Nanry, appeared on the program. With the exception of a few brief recesses, the group was in session all day, from 10 A. M. to 11 P. M. Inasmuch as a full copy of the proceedings will be provided every member of the Governmental Research Conference, there is no need to dwell upon the contents of the papers presented nor the discussion following each. It may be noted in passing, however, that the outstanding feature of this meeting was the thoroughness and the thoughtfulness with which the papers were prepared. For this and for the general quality of the program, the Conference is indebted to the Program Committee, consisting of A. E. Buck, S. B. Story, C. E. McCombs and Walter Matscheck. It is hoped that the plan of having all papers prepared and submitted to the Program Committee before the Conference will serve as a precedent for subsequent meetings.

From the point of view of business transacted for the promotion of the Conference and of the research movement, this meeting also excelled. Although no set program was planned for the evening of November 17, an impromptu dinner and evening session were arranged, which was attended by every delegate present at the earlier meeting. This session was devoted to discussing ways and means of promoting the research movement, methods of establishing closer working relationships among bureaus, and prospects of establishing a clearing house or national organization.

As a result of the action taken at this meeting, the Executive Committee, with the approval of the general Conference, before whom the matter was placed, decided that the 1926 meeting should mark the celebration of twenty years of municipal research, and that an appropriate program should be arranged. An effort will be made to have in attendance, not only as large a number as possible of the researchers now in the work, but also members of the boards of trustees and those who were connected with municipal research in the past. It was also decided to have in readiness for this meeting a story of twenty years of municipal research. Members will be notified later what is expected of them in this regard, and it is hoped that full co-operation will be secured. The Executive Committee itself will be in charge of the program and of the publication.

The Executive Committee elected for the coming year is composed of L. D. Upson, S. B. Story, A. E. Buck, Luther Gulick and Wm. C. Beyer. Mr. Upson was elected chairman by the Committee and Mr. Story vice chairman. Arch Mandel was elected secretary.

⁂

Taxpayers' League of St. Louis County, Duluth.—A ten-year financial program is being prepared by the League for the city of Duluth. This program will be studied by a group of civic organizations, who will submit it to the public and to the city council. In connection with this program, an effort is being made to determine on a scientific basis the economic limit of taxation for Duluth. In addition to the usual procedure of forecasting future growth of population, are the estimated increases in assessed valuation and predicting increased costs. Studies will be made of the amount of taxes that may be levied against various types of property, enabling it at the same time to realize a reasonable return on the invested capital.

Duluth has before it a contract with the Zenith Furnace Company for the purchase of gas. The contract, which will run for a period of ten years, provides that a monthly average of 525 B.T.U.'s shall be maintained, and that the city shall pay the manufacturing company 38¾ cents per thousand cubic feet. The city in turn will sell this to the consumer for 75 cents per thousand cubic feet for domestic consumption and 50 cents per thousand cubic feet for heating purposes. The city council and the company have agreed to the terms of the contract, and its passage is anticipated at an early date.

The city council, Duluth, has passed an ordinance providing for competitive designs for a new million-dollar city hall, the competition to be conducted by the American Institute of Architects. The Taxpayers' League drafted the ordinance.

✤

New York Institute for Public Service.—From New York City, the Institute for Public Service reports that it has sold its three loose-leaf current topics magazines, after they passed a circulation of 200,000 and has returned to the municipal field. During the municipal campaign and immediately after election, it issued sixty-two non-partisan "No Matter Who's Elected" bulletins. No. 30 of this series was "Non-Partisan Subway Primer," a pocket pamphlet which answers thirty questions, one page to the question. After election, it issued a summary to twenty points regarding special assessments or special benefits from subways that it says are basic to non-partisan study of that problem. The last of these points states that the official discussions of special assessments for transit in New York and elsewhere are summarized in *Municipal Reference Library Notes* for September 16, 1920.

On December 9, the director, Wm. H. Allen, was dinner guest of officers and committee members of the Baltimore Real Estate Board to help a special committee take final steps toward organizing a local fact-finding and reporting service with respect to governmental affairs.

In New York, the Institute opened a help-your-city-suggestion box and interested several groups, such as the City Federation of Women's Clubs, community councils and one or two trade bodies in formulating concrete suggestions and concrete helpful information in response to Mayor-elect Walker's request for citizen coöperation.

✤

Philadelphia Bureau of Municipal Research.—The Philadelphia Bureau of Municipal Research reports substantial progress toward permanent registration of voters, which has been recommended by Governor Pinchot's special election commission for adoption in all the cities of Pennsylvania.

To researchers, the steps by which this improvement has been advanced toward the "goal line" in Pennsylvania may be of special interest. In October, 1924, the Philadelphia Bureau published an issue of *Citizens' Business* on permanent registration, describing the new system in Minneapolis. Prior to that time, it may be doubted whether more than a dozen people in Philadelphia knew there was such an arrangement as permanent registration. Three newspapers quoted *Citizens' Business*, and two wrote editorials. A member of the Pennsylvania legislature asked the Bureau to draw a bill for the establishment of permanent registration in Philadelphia.

The bill concerning Philadelphia was drawn and introduced. Before its delivery to the legislator who had asked for it, it was submitted by the Philadelphia Bureau to the Committee of Seventy, Philadelphia's principal election-reform organization, for comment and criticism. This organization asked permission to sponsor the bill, and gave it wide publicity, both locally and before the legislature; though, naturally, the bill was looked upon by all concerned as an educational measure, and no one was surprised when the legislative session of 1925 closed with the bill still in committee. Meanwhile, the Committee of Seventy had asked the Philadelphia Bureau to study the registration systems of other cities, notably Boston. The Bureau also continued the issue of occasional numbers of *Citizens' Business* devoted to permanent registration; always simply presenting facts and urging citizens to consider the subject and form their own conclusions.

The Philadelphia Bureau's survey of the municipal court of Philadelphia, the beginning of which was announced last summer, is now in full swing. Although regular Bureau staff members are engaged in the survey, a large part of the work is being done by a special staff. William Watson, of the New York Bureau, has made a study of the court's methods of financial control; Arthur Dunham, formerly secretary of the Social Service Exchange of Philadelphia, has made studies of the central registration bureau and of the bureau of records; Fred R. Johnson, chief probation officer of the Recorder's Court, Detroit, with the assistance of a number of case readers, is appraising the work of the domestic relations division of the court; Miss Ruth Topping, of the Bureau of Social Hygiene, Inc., of New York, assisted by case readers, is surveying the women's misdemeanants' division; Dr. Kate Holladay Claghorn, of the New York School of Social Work, is studying the statistical department; and Joel D. Hunter, superintendent of the United Charities of Chicago, is heading up a study which will evaluate the work of the juvenile division. It is expected that other parts of the survey will be begun in the near future.

⁂

Taxpayers' Association of New Mexico.—In conjunction with the annual meeting of this organization, to be held in January, 1926, a general conference of the taxpayers of the state is being arranged.

During the months of July, August, and September, the staff of the Taxpayers' Association assisted the State Tax Commission and the county and other municipal tax levying authorities in the preparation of budgets for the ensuing year and in the determination of necessary levies.

⁂

New York National Institute of Public Administration.—Leonard V. Harrison, Secretary of the Civic Affairs Department, of the Indianapolis Chamber of Commerce, recently spent several days at the Institute in consultation with Bruce Smith, on the preparation of a report for the National Crime Commission.

The staff of the Institute arranged a lunch in honor of William H. Nanry of the San Francisco Bureau, who visited New York following the Pittsburgh meeting. Dr. Charles A. Beard was also present at the lunch, as well as the temporary members of the Institute staff, who are engaged on work for the Special Joint Committee on Taxation and Retrenchment of the New York State Legislature.

The Institute has just completed a survey of the organization and financial administration of Glen Ridge, New Jersey. Members of the staff taking part in this study are W. A. Bassett, Luther Gulick, Bruce Smith, C. E. McCombs, Paul Studensky, and William Watson.

At the request of Senator Courtlandt Nicholl, chairman of the commission on taxation of property of the Port of New York Authority, the Institute is making a study of taxation of Port Authority property. W. A. Bassett, Philip Cornick, and Luther Gulick are engaged on this study.

Kansas City Public Service Institute.—The election for the first council under the new Kansas City charter was held November 3. The council elected is of much higher type than past councils have been. The city manager has not yet been selected. It is expected that political considerations may play some part in the appointment of the city manager, since the council campaign was quite partisan. Five Democrats and four Republicans were elected, the mayor being one of the minority. The quality of the council members, however, encourages the belief that a capable manager will be chosen.

Of proposals aggregating $26,610,000, submitted to the voters on November 3, only two, totaling $2,400,000, were approved. These two are for fire equipment and stations and for hospital additions. All of the proposals received more than a majority of the votes cast, but only the two above mentioned secured the required two-thirds. The Public Service Institute took part in the preparation of the bond program and s now co-operating with a committee appointed previous to the election to supervise in an advisory way expenditure of the bond funds.

The new charter requires the council to prepare an administrative code previous to the time it takes office. Inasmuch as the administrative machinery of the city government will be almost entirely reorganized under the new charter, and since an almost entirely new accounting system and financial procedure is required, the preparation of this administrative code is an extensive and difficult piece of work. The Institute expects to co-operate.

⁂

Toronto Bureau of Municipal Research.—During October and November the Bureau has been spending most of its energies in two directions.

1. It co-operated with the Board of Trade and some twenty other citizen organizations in an effort to increase the percentage of voting efficiency at the next municipal elections, to be held on Janury 1, 1926. This co-operation has been given by supplying information and speakers. White Paper No. 92, which contained a map of the city with neighborhood districts, showed the percentage of voters in each district for the city council and board of education. This paper awakened much interest and has had to be reprinted several times to meet the calls.

2. The Bureau published the first two numbers of a series of papers on the council-manager form

of government. For the first time, the board of control have given official attention to this form of municipal government, by devoting an hour and a half to its discussion. As comparatively few Canadian cities are organized as council-manager cities, ideas with regard to the city are not widely disseminated, and the series is awakening a great deal of interest.

✥

Citizens' Research Institute of Canada.—Proceedings of the third annual convention of the Canadian Tax Conference and the second annual convention of the Civil Service Research Conference, conducted by the Institute, are now ready for distribution. Advance orders for 500 additional copies were received.

A short comparative "cost of living" study for four Ontario cities was made for a large industrial corporation during the month of November.

✥

Vancouver Bureau of Civic Research.—Vancouver, B. C., has been added to the list of cities having a research bureau. The function of this organization is similar to that of other bureaus; namely, to study municipal problems and publish facts for promotion of intelligent consideration by citizens. The head of this Bureau is T. Howard Goodwin, who spent three months in Toronto, studying municipal research methods with Dr. Brittain.

The first assignment undertaken by this organization is the problem of water supply for the metropolitan district, of which Vancouver is a part.

✥

Cleveland Municipal Research Bureau.—Alden C. Fensel joined the staff of the Cleveland Bureau as engineer. Mr. Fensel is a graduate of civil engineering from the University of Wisconsin, majoring in economics and administration. His university work was supplemented by training in the National Institute of Public Administration. The major part of his engineering experience was obtained in the city of Milwaukee, where Mr. Fensel was engaged in general city engineering, city planning, and port development. He was also employed as engineer and assistant to the manager of the city of Ashtabula, Ohio.

Minneapolis Bureau of Municipal Research.—Recently, the Bureau made a survey of the Glen Lake Home School for Boys, a detention home under the jurisdiction in part of the juvenile court and in part, the board of county commissioners. Criticisms have been made of its management by a member of the board of county commissioners and a resolution passed, proposing the abolishing of certain positions and activities. It is in this connection that the Bureau was requested to make the survey, the report on which has just been submitted to the grand jury.

✥

The Ohio Institute.—Through Prentice Reeves who was recently added to the staff of the Ohio Institute, this organization is emphasizing promotion of an improved penal and correctional program for the state. This problem has been called especially to the attention of the people by the joint legislative committee appointed by the last general assembly to study the situation and to develop a plan for future progress.

This committee; after a survey of the situation, made the following specific recommendations for future legislative action:

1. That a system of classification for male prisoners be adopted for the Ohio State Penitentiary, the Ohio State Reformatory, and the London Prison Farm.
2. That the Ohio Penitentiary be used as the clearing-house in the carrying out of this classification of prisoners.
3. That no further housing facilities for the accommodation of more prisoners be provided at the Ohio Penitentiary or at the Ohio Reformatory.
4. That the London Prison Farm be further enlarged as to housing, land and industries.
5. That the present inmates of the three penal institutions be examined and classified and disposed of as follows:
   a. The psychopathic delinquents to be provided for at the Ohio State Reformatory.
   b. The anti-social group to be provided for at the Ohio State Penitentiary.
   c. The better class of prisoners to be provided for at the London Prison Farm.
6. That a system of internal classification of women prisoners at Marysville Reformatory be established.

In addition to working with officials concerned, the Institute is promoting citizen interest.

NOTES AND EVENTS

BY A. E. BUCK

Cincinnati's City Manager Selected.—It has been announced that Cincinnati has selected Lieut.-Col. Clarence O. Sherrill to be city manager under the new city charter. The position will pay $25,000, which is the same salary that the city manager of Cleveland receives. Colonel Sherrill comes from Washington, D. C., where he has recently been in charge of all public buildings and grounds in the national capital. He is a North Carolinian by birth and a graduate of West Point. As an engineer officer he served in the Philippines, at Mobile on the rivers and harbors commission, at New Orleans during the floods of 1912 and 1923, and on the Panama Canal. He was over seas with the A. E. F. and became chief of staff on the 77th Division. The Cincinnati papers comment very favorably upon his ability as an executive and anticipate a successful city administration under his direction.

⁂

Postponement of the International Congress of Administrative Sciences in Brussels.—We are informed by Leonard D. White of the University of Chicago that at a recent meeting of the permanent commission of the International Congress of Administrative Sciences in Brussels, it was decided to postpone the third Congress, to be held in Paris, from June 1926 to June 1927. This action was taken on account of the inability of the French committee to make the necessary arrangements in view of the unsettled political situation. The Secretary-General, M. de Vuyst, is making every effort to insure the meeting in Paris in 1927.

⁂

Tax Reduction in Baltimore under New Administration.—Mayor Jackson of Baltimore has issued a statement, following the annual budget meetings, saying that the city's tax rate for 1926 will be $2.48 per $100. This rate is 10 cents lower than the rate for 1925 and 42 cents lower than the rate for 1924. The mayor states that when he came into office in May 1923, the tax rate was $2.97 and there was a deficit of $1,130,000. Since the beginning of his administration the city tax rate has been reduced 49 cents and, besides, the entire deficit has been wiped out.

More About the P. R. Elections in Cincinnati and Cleveland.—We are informed by the Proportional Representation League that as a result of the P. R. election in Cincinnati on November 3, six of the nine councilmen elected were candidates of the new charter committee. Of these six, four are independent Republicans and two are Democrats. They polled about two thirds of all the votes. The organization minority polled a little less than one third of the votes and elected three councilmen. Nine out of every ten voters who cast valid ballots helped elect a representative in the council. Of the nine councilmen elected the *Cincinnati Enquirer* said editorially on November 17: "The nine new members of the council are as distinguished for high ability and sterling trustworthiness of character as nine men well could be."

The vote was heavy for a non-presidential year, about 120,000 valid ballots being cast for the council. Only about 3½ per cent of the council ballots were invalid or blank, showing that most of the voters had found no difficulty with the new method of voting. At this election the voters approved certain municipal bond issues for the first time in many years and increased the salary of councilmen from $1,150 to $5,000 a year. The new city council will choose the first city manager for Cincinnati.

At the same time Cincinnati was voting by P. R. for the first time, Cleveland was voting by it for the second time. Twenty-five members of the council were chosen from four multi-member districts. As in the first election two years ago, Republicans, Democrats, and Independents were elected from each district. All but three of the outgoing members were re-elected, and the party complexion of the council remained unchanged—Republicans 15, Democrats 6, Independents 4. Two Republican councilmen and one Democrat were defeated by other members of their own parties.

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Pittsburgh Meeting of the American Civic Association.—The American Civic Association, now in its twenty-first year, held its annual meeting at Pittsburgh on November 17 and 18. In its program of work for the coming year, which was adopted at this meeting, it outlines several interesting things. The Association is to continue its efforts toward the establishment of complete national park system. It endorses without delay the establishment of the Shenandoah National Park and the Great Smoky National Park. It favors changes in the boundary lines of the Yellowstone, the Sequoia, the Grand Canyon, and the Rainier National Parks, as proposed by the co-ordinating commission of national parks and forests, which will bring into the national park system a portion of the scenic Kaibah National Forest on the north rim of the Grand Canyon, the Kern and the King's River Canyons and the beautiful Tehipits Valley in California, and the Teton Mountains in Wyoming.

The Association endorses the ten-year program of the American Forestry Association which has in prospect a chain of national forests encircling the large centers of population and industry. This program involves the acquisition of 2,500,000 acres in the Great Lakes region, 3,000,000 acres in the White and Appalachian Mountain region, and 2,500,000 acres of the remaining pine forests in the South.

The Association favors a careful study of all public lands still under federal ownership, so that controversies relating to such lands may be settled on a sound basis. This study would include the physical features and the economic value and use of such lands.

Finally the Association urges legislation for the comprehensive planning of the District of Columbia and its environs. It supports the efforts of the Capital Park Commission to create a balanced park system about the national capital. It favors the program of the National Commission on Fine Arts for the proper location and design of all public buildings and grounds in Washington.

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Study of Administration of Justice in Chicago Proposed.—A recent issue of the *Union League Club Bulletin* outlines a comprehensive study soon to be made of the administration of justice in Chicago and Cook county. This investigation is to be conducted under the direction of the committee on administration of justice of the public affairs committee of the Union League Club. The plan for the study was prepared by Walter F. Dodd. The study will deal with both civil and criminal justice. It will cover all courts, state and federal. It is estimated that the study will cost about $150,000, and will require the co-operation of the various civic agencies as well as the judges and officers of the city and county.

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International Federation of Local Government Associations.—John G. Stutz, executive secretary of the City Managers' Association, announces location of the American Headquarters of the American Headquarters of the International Federation of Local Government Associations at the General Municipal Secretariat at Lawrence, Kansas. The purpose of the International Headquarters as located there will be: research in local government, contacts with best methods and accomplishments of cities in other countries, and the compilation and publication of an International Municipal Digest—a digest of the most important local government and administrative news.

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Ten Years' Road Progress.—A report on the progress in highway construction throughout the country during the past decade discloses some interesting facts. At the beginning of 1915, there were highway departments in only thirty-one states. Now there are 49, including Hawaii. In 1915 there were 257,291 miles of state, county and township roads, all types of surfacing included. To-day 467,905 miles of improved roads are in use. On state roads, including all types of surfacing, improved mileage went up from 33,477 in 1915 to 128,347 in 1925. On high grade surfacing the mileage advanced in the same period from 14,400 to approximately 40,000 miles.

Total expenditures on all classes of roads in 1915 were $240,263,000 while in 1925 they were approximately $1,176,000,000. The amount spent through state highway department in 1915, when there were no federal funds, was $54,884,000. The approximate amount thus spent in 1925 including federal funds of $95,749,000, was $596,176,000.

The total mileage of all roads in the United States is now 3,002,916 miles. The total of state roads is 259,700 miles, and the interstate or 7 per cent system on which state and federal governments are working jointly, approximates 200,000 miles. The latter system is designed to carry interstate traffic and to touch every county seat in the United States.

The system of roads to be known as United States highways, recently selected by the Joint Board on Interstate Highways, comprises 75,884 miles, divided into 145 individual routes. The routes running east and west will be designated by even numbers and those running north and south will bear odd numbers.

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Abstract of the Massachusetts Tax Laws and Summary of State and Local Revenues.—The Committee on Taxation of the Boston Chamber of Commerce has recently published a useful pamphlet on "The Massachusetts Tax Laws." This pamphlet gives the source and disposition of the public revenues and has tables showing the increase in taxation, both state and local, during the past twelve years. The Committee calls attention to the fact that the federal and state taxes in Massachusetts show a diminution corresponding in some measure to the decrease in the cost of living since 1920, but that the taxes raised for municipal purposes have not in any way reflected the general deflation of prices and living costs, but have continued to increase steadily since the year 1920, as well as before.

⁂

More Discussion of Federal Subsidies to the States.—The Pennsylvania Chamber of Commerce has recently published an address by Governor Albert C. Ritchie of Maryland on federal subsidies to the states. This address was delivered before the seventh annual meeting of the Chamber held at Harrisburg on October 15. Governor Ritchie discussed the "fifty-fifty" system of federal aid which requires each state to match the federal appropriation in order to secure the money. He is opposed to such a system and has produced reasons and arguments to support his position. His conclusion is that "its whole tendency is to destroy the principle of local self-government, and so the system is indefensible as a governmental policy in this country."

In this connection, we should note what President Coolidge says on the same subject in his budget message to the present Congress. He states that the requirements in the 1926–27 budget for federal aid to the states are in excess of $110,000,000, about $80,000,000 of which is for post roads. This latter amount, he says, does not constitute the entire obligation of the federal government under the existing law, but that $116,700,000 more will be required to satisfy the law. Then he remarks:

> Federal contributions to state highway construction was probably necessary in the beginning. It has expedited and so co-ordinated construction that all expenditures would be reflected in a definite and approved connecting highway system. On the other hand, there is no question but that federal contributions have materially added to state expenditures of state funds. . . . It is true that the necessity and demand for good roads are constantly increasing, but they should not be constructed faster than the taxpayers can afford to pay for them. The amount that taxpayers can afford to pay can best be determined by the citizens of each state.

⁂

Highway Expenditures in the State of Washington.—Governor Hartley of Washington in his message to the special session of the legislature, which met on November 9, said he was fully convinced that the time had come "to apply the brakes to highway expenditures" in that state. He went on to say that "the vast sum we are now expending annually far exceeds the wildest dream of the most ardent good-roads enthusiast of a few years ago." Then he reaches the argument that "the people want and demand improved highways," he answers in the following manner:

> They want and clamor for improved highways for the same reason that my boy, seeing your boy with a new skooter, sets up a howl for one like it. Why shouldn't the people howl for highways, when we are taking their money by the millions and pouring it into the highway fund? Their demand, however, is the wheeze and gurgle of the bung of the old familiar pork barrel, rather than the voice of economic necessity. The quickest, best and most effective way to meet the people's demand for hard-surfaced joy roads, is to reduce the pot and leave the people's money with them for their own use and expenditure.
>
> If the analysis of this public demand for good roads is carried far enough, it will be ascertained that it is but the echo of the clamor of the cement crowd, the material men, the machinery folk, the contractors, the automobile club secretaries, and the great army who are living off of, some of them growing wealthy from, highway construction.

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THE LEAGUE'S BUSINESS

Grant for Study of Regional Government. The Russell Sage Foundation has made a grant of $10,000 to the National Municipal League to finance a year's study in the government of metropolitan regions. Dr. Paul Studensky has been added to the staff of the League to prosecute the work in co-operation with our committee on the subject, of which Dean Frank H. Sommer of New York University Law School is chairman.

The nation is just beginning to realize that the growth of metropolitan areas, as we know them today, places heavier and heavier burdens upon the existing local governments, designed to fit a more primitive society. The movement for regional planning, rapidly broadening under the impetus transmitted by the Plan of New York and Its Environs, has emphasized the need for correct forms of governmental organization in the populous areas surrounding our large cities, areas which are attached to the city by strong social and economic bonds, but which have, and frequently wish to retain, separate governments.

The committee will first address itself to a survey of the merits and weaknesses which experience has revealed in the various forms of regional and inter-municipal organization now found in various metropolitan areas. Against the background of facts revealed by such appraisal it will be possible to project the metropolitan government of the future. We are grateful to the Russell Sage Foundation for their appreciation of the value of the study and for their financial aid which makes it possible.

⁂

Return of Secretary. The Secretary of the League, H. W. Dodds, has returned from Tacna-Arica where he has been acting for the past six months as technical adviser to General John J. Pershing, President of Plebiscitary Commission, which is holding an election in that territory to decide whether Chile or Peru shall have ultimate possession of it. He will resume the editorship of the REVIEW with the next issue.

⁂

Portland Prize Award. The Portland Prize offered each year through the National Municipal League to the student of Reed College presenting the best essay on municipal government was this year awarded to Alden B. Mills, a senior in the department of Political Science. First prize money amounts to twenty-five dollars. Second and third prizes of fifteen and ten dollars respectively, were awarded to Ted M. Swett and Philip Silver. The judges were Dr. Ralph S. Boots of the University of Nebraska, Leo Tiefenthaler of the City Club of Milwaukee and Mrs. Craig C. Miller, Secretary of Michigan State Corrections Commission.

⁂

Depreciation in Public Utilities, by Delos F. Wilcox, the second book in the National Municipal League Monograph Series enjoyed an encouraging advance sale. Orders are now filled on the day of receipt. The price is $2.00 postpaid.

NATIONAL MUNICIPAL REVIEW

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EDITORIAL COMMENT

New-Old Municipal Research Many people have the notion that municipal research is a comparatively new thing. In this they are badly mistaken. Thomas Madox discoursed on the difficulties of the subject in 1726, just two centuries ago. And his words are not very cheering to present-day researchers. For says he:

> Whoso desireth to discourse in a proper manner concerning corporated towns and communities, must take in a great variety of matter and should be allowed a great deal of time and preparation. The subject is extensive and difficult.

More evidence, perhaps, that "there is nothing new under the sun." If the "great variety of matter" connected with city government in 1726 required a great deal of time and preparation in order to be able to discourse on it properly, what must the intricacies and ramifications of the present-day city government require of the researcher who essays to write helpful memoranda on municipal problems? A mere contemplation of the task leaves one flabbergasted.

*

Long-Time Financial Programs for City Governments Budget making has been emphasized in connection with the financial management of city governments for some fifteen or twenty years. At the present time, the annual planning of municipal finances is generally regarded by city authorities as being necessary to businesslike administration; and such planning, more or less satisfactory in character, has become an established practice in nearly all American cities. However, budget planning does not properly extend beyond a year. The main reasons for this are that the budget is the plan for definite action on the part of the city council in making the annual appropriation of funds, and that it is the basis for the administrative work program to be applied during the fiscal year in carrying on the city government.

But this does not mean that the years immediately ahead of the budget period should receive no thought on the part of the city authorities and should be left entirely to the "fortutious concatenation of circumstances." This is almost as bad from a business standpoint as not to plan for the year following the present. The sooner city authorities generally come to appreciate this fact the better it will be for the citizens and taxpayers of municipalities.

A financial program—not a budget—can and should be made for each city government covering five or ten years ahead, preferably ten years in the case of large cities. Such program should be adopted by the city council subject to whatever modifications may seem necessary when the budget is prepared at the beginning of each fiscal year. The program should be modified throughout whenever unusual or unforseen conditions arise that warrant changes and it should be extended a year at each annual budget making.

A beginning has already been made in the preparation of long-time financial programs for city governments. We are publishing in this issue of the Review an article by C. E. Rightor describing Detroit's ten-year financial program and telling how it was prepared. A few other cities have prepared such programs, but none perhaps so complete as the Detroit program.

*

National Associations Hold Meetings in New York On December 28–31 a number of national associations met in New York City, the meeting places being Columbia University, the Pennsylvania and McAlpin hotels, and the Town Hall. Among these associations were the following: American Economic Association, American Statistical Association, American Farm Economic Association, American Association for Labor Legislation, American Association of University Instructors in Accounting, National Community Center Association, American Sociological Society, and American Political Science Association. Special programs were given by the several associations, and many joint meetings were held to discuss subjects of common interest.

The writer was able to attend a few of the meetings of the American Political Science Association. This association conducted round table meetings on the mornings of its three-day session. These meetings were similar to those of the National Conference on the Science of Politics; in fact, some of them were a continuation of the Conference meetings held in September and were conducted in practically the same manner. There were eight round tables on the following subjects: administration of criminal justice, comparative government, international law, municipal administration, national administration, political parties, public finance, and public opinion. The afternoon and evening meetings were devoted to discussions of the teaching of political science, regional planning, growth of international law, and problems of method in political science. At the annual business meeting, Charles A. Beard was elected president of the association for the coming year. Dr. Beard succeeded Charles E. Merriam in this capacity.

*

Approaching Politics as a Science Is it possible to apply the scientific method to politics? Arnold Bennett Hall says it is in his article on "The Third Conference on the Science of Politics," which we are publishing in this issue of the Review. Can politics be raised to the status of a science? Professor Hall also answers this in the affirmative. He believes that the Conference is the means by which this can be done. As a director and one of the prime movers of the Conference, he already sees some concrete results from its work and he believes that it should be continued on its present basis if it can be financed.

There is, however, another point of view, and a widely divergent one, on the value of the Conference on the Science of Politics. This is expressed by many members of the round table groups. We hope to publish in the next issue of the Review an article setting forth this viewpoint.

*

Biennial Legislative Sessions Proposed in New York Governor Smith in his annual message to the New York legislature of 1926 proposed that a constitutional amendment be enacted providing for biennial sessions of the legislature in the odd numbered years, with the modification, however, that in the even numbered years the legislature should meet for the sole purpose of passing appropriations for the support of the state government. Under this plan the members of the senate would be elected for four years and the members of the assembly for two years. In support of his proposal, Governor Smith says:

> This will give the legislature time for thought and give the state an opportunity to give a reasonable trial to a new statute before it is hacked to pieces by a succeeding legislature—sometimes even before it is a year old. It will further compel at least every second year the full thought of the legislature upon the important function of managing the fiscal and related affairs of the state.

In addition to this proposal, Governor Smith renewed his recommendation for constitutional changes to provide an executive budget system and a four-year term for the governor, the governor to be elected midway between the presidential elections.

Governor Smith's proposal with reference to the legislature has already stimulated considerable comment on the part of the members of that body. Some have declared that it was wise to go even further than the governor had suggested. They have proposed that the biennial sessions should be limited to 60 days and that the "split session plan" followed in California should be adopted. During the first month bills would be introduced and no other business transacted. Then adjournment would be taken for one month, during which time the standing committees would give preliminary consideration to the measures introduced and hold public hearings on them. The legislature would then reconvene for a month to hear the reports of the committees and to take action on all bills. It is unlikely, however, that any definite action will be taken on these proposals, especially as they relate to the sessions and procedure of the legislature.

⁂

Final Election Returns from Cleveland The final election returns from Cleveland show that under the P. R. election on November 3 only three councilmen out of the 25 were elected on first votes. These were Finkle and Fleming from the third district and Sulzmann from the fourth district. Ten votes, and in some disstricts even more votes, were distributed before all the places were filled. The councilmen as finally elected were Witt, Michell, Schooley, Rieder, Gallagher, Gibbons, and Mitchel from the first district; Petrash, Roberts, Orlikowski, Kennedy, and Sprosty from the second district; Finkle, Fleming, Bronstrup, McGinty, Wing, and Mihelich from the third district; Sulzmann, Marshall, Hatton, Potter, Green, Sanders, and Goldman from the fourth district. These members of the council were chosen from the different districts in the order named above. The names of the members indicate a wide representation from a racial standpoint. This, however, may have no significance when related to the population of the city.

⁂

Proposed State Reorganization in New Jersey The Bright investigating committee of New Jersey has sent a report to the legislature together with a number of bills proposing a reorganization and consolidation of the state departments and commissions. This committee recommends that 96 departments, boards and commissions be reduced, through elimination or merger, to 17 departments, headed in most cases by a single director. The directors of the departments are to constitute a governor's cabinet.

The governor is to be solely responsible for the preparation of the state budget and the present budget commission is to be abolished. The state house commission is to be denied the power any longer to transfer funds from one account to another. A department of finance, including the treasury, taxes and assessments, and public pensions, is to be established. It is to be headed by the state treasurer. The state purchasing system is to be completely reorganized.

The state highway commission is to be abolished and a department of public works created, which will supervise all highway construction and maintenance, as well as bridge and tunnel work. The motor vehicle work and the state police are to be combined under a department of public safety. All license boards, except the bar examiners, are to be handed over to the department of civil service and registration. The board of control and the department of institutions and agencies are to be wiped out and the governor is to appoint a director of welfare to take charge of the work at $12,000 a year. The board of commerce and navigation and the port of New York authority are to be abolished and their work placed in a department of commerce with a single director. The department of parks and natural resources is to take the place of a dozen or more boards, including the board of conservation and development. The board of education is retained, but it is to be merely advisory to the director of education. The same position is to be occupied by the board of health in its relation to the director of health.

*

Traffic Rules We Might Heed

There has come to us from the Orient—on good authority we are assured—a set of traffic rules, especially applicable to automobilists. These rules, we understand, are printed on a poster and are widely distributed by the traffic authorities of Tokyo. The poster is headed, "Rules of the Road in Japan," and this is the way it runs:

> At the rise of the hand of policeman, stop rapidly. Do not pass him by or otherwise disrespect him.
>
> When a passenger of the foot hove in sight, tootle the horn trumpet to him melodiously at first. If he still obstacles your passage, tootle him with vigor and express by word of the mouth the warning, "Hi, hi."
>
> Beware of the wandering horse, that he shall not take fright as you pass him. Do not explode the exhaust box at him. Go soothingly by, or stop by the roadside till he pass away.
>
> Give big space to the festive dog that make sport in the roadway. Avoid entanglement of dog with your spokewheels.
>
> Go soothingly on the grease-mud, as there lurk the skid demon. Press the brake of the foot as you roll around the corners to save collapse and tie-up.

As a specimen of Japanese-English this is almost too good to be true. One cannot believe that it is really an official pronunciamento. However, the advice to automobile drivers is good and worth heeding here as well as in Japan.

THE SOCIAL OBJECTIVE IN REGIONAL PLANNING[1]

BY THOMAS ADAMS

> "*The great need for regional planning today arises from the fact that as urban regions expand you have, not small intensive areas of bad growth, but widely extended areas, suffering congestion and unhealthy social conditions.*" :: :: :: :: :: ::

WASHINGTON affords us a very good example of the need of regional planning as distinct from city planning. The capital city is the only one in this country that was planned from the beginning, but the area of urban growth has now expanded beyond the limits of the area that was planned by L'Enfant and in the absence of provision for planning the extension of the city, haphazard development is taking place in the suburbs out of keeping with the orderly and dignified arrangement of streets and buildings in the planned area of the city.

OPPORTUNITIES OF REGIONAL PLANNING IN DEALING WITH UNDEVELOPED AREAS

One advantage of regional planning is that it deals more largely than city planning with areas that are still undeveloped. In these areas it is possible to prevent what is so difficult and so expensive to cure in the developed areas of cities. Plans for undeveloped areas are less hampered by existing conditions and vested interests that offer great resistance to change. In dealing with virgin territory, we have full responsibility for what happens and cannot escape this responsibility by blaming past generations for bad conditions. Having witnessed the evils of congestion, we can prevent their recurrence where new growth is taking place. We pride ourselves on having greater knowledge than our forefathers of what is needed to make a city more efficient, healthy and beautiful. If we can justly claim this knowledge, we should be able intelligently to plan and control the development of the areas that are still unbuilt upon or only now in the course of development. In the Regional Plan we are able to extend our vision and our opportunities applying the art of planning to unbuilt-upon land. But in spite of having these opportunities, we may well ask whether men are doing better than their forefathers have done and whether what they are creating today is going to be subject to less criticism in the future than the things they now criticize as the failures of past generations. Indeed, we may even ask if there are not more careless methods and lower standards being applied to the regulation of new urban growth in present as compared with former times, notwithstanding the experience gained in recent decades in the art and science of planning.

It is necessary for us to realize that regional planning gives us the opportunity of applying measures of prevention to undeveloped areas because of the more limited opportunities for putting forward proposals dealing with the established evils in built-up portions of the city.

---

[1] Report of an address delivered by Mr. Adams to the annual meeting of the National Municipal League, Pittsburgh, November 18, 1925.

Regional planning, like city planning, may be described very briefly as a method of giving intelligent guidance to future growth of the city. Under modern conditions of urban growth we can no longer give effective guidance with sole regard to areas within the arbitrary boundaries fixed for purposes of local government. These boundaries have a certain meaning from a political point of view, but have little meaning from the point of view of the physical extension or the economic growth of the community; hence, in order to understand the problems of growth in the city, we must have regard, in our surveys and plans, to all the suburban growth extending from or related to the city. This is particularly so in great metropolitan areas where the mother city has overflowed into corridors of urban development or into satellite towns along the railroads which converge upon it.

IMPORTANCE OF SOCIAL FACTORS IN REGIONAL PLANNING

Governor Alfred E. Smith has said, in reference to regional planning in New York State, "that the planning of communities and the planning of the state is probably the greatest undertaking we have before us." He has recognized the importance of having the right social objective in regional planning, and is interested more in securing the well-being of the citizens than in any technical perfection in the art of laying out cities.

Pittsburgh, as a center of industry, inspires one to place emphasis on the importance of the economic and social factors in the development of industrial regions. Like New York, the physical conditions of the site of Pittsburgh create enormous difficulties in securing a well-balanced expansion in its environs and the relief of congestion in its central business section. But topographical difficulties can always be overcome by the skill of the engineer, and the hills, valleys and rivers that seem to obstruct growth can be made to promote rather than retard healthy spreading out of the city, and are contributory factors in making it beautiful.

When we inquire into the realities that lie at the basis of civic growth we find that the physical difficulties are apt to be used as an excuse for persistence in following the wrong social objective. If our purpose in regional and city planning is to increase profit-making in land values without regard to true economic standards or the general well-being, many of the existing conditions of growth can be justified as sound. But profit-making in land values which is based on congestion, overcrowding or any kind of unhealthy conditions, is not only destructive of human welfare, but is economically unsound in the interest of ownership of property in the long run.

Social conditions in the industrial centers of modern nations are the most disappointing features of the age in which we live. In the development of industry, in the building of beautiful buildings, in education, and in sanitation, this country has surpassed other nations. But in the development of the social organization of its industrial centers and in the solution of its housing problems it has not achieved more than other countries.

It is open to question whether the gains of modern science in matters connected with public health, of costly municipal improvements, and of public instruction in the schools have not more than counterbalanced losses due to the unprecedented congestion, the haphazard distribution of the population, the land wastes, and the failure of modern nations to house their industrial workers.

Two features may be recognized as expressing in a special way the growth of Pittsburgh. It is known for its rapid industrial growth, on the one hand, and for the public munificence of its citizens, on the other hand. In these two things it occupies a high place amongst industrial communities.

OPPORTUNITIES IN PITTSBURGH

It is in cities like Pittsburgh that the greatest opportunity exists to demonstrate the social and economic value of regional planning. We only begin to see the real evils that come from congestion and defective housing conditions when cities become large. That which can be endured in small measure, like the poverty and ugliness of some districts in the moderate sized industrial community, will not be bearable in the large measure when it spreads over greater urban regions in the future. The future of Pittsburgh lies not so much in creating wealth, but in keeping what it creates. A high standard of civic life and civilized well-being is not possible unless the population is able to hold the wealth it creates and the intelligence and leadership it develops through the possession of that wealth.

Pittsburgh has shown its recognition of the value of regional planning. Its citizens have shown that they have a worthy passion to make their city more efficient and more beautiful. But the test of their planning is not in the making of the plans, but in putting them into effect. The greatest task before Pittsburgh is to engender the will and to obtain the legal power to carry out the ideals of its citizens. Here, in Pittsburgh, is the center of the great industry that converted the riches of the Pennsylvania coal regions into the threads of steel that spread all over the country, and simultaneously created the wealth of men like Carnegie, who out of his munificence has returned great benefactions to the city.

EXAMPLES FROM HISTORY

It is interesting to recall from our reading of the history of cities that the last period in the world's history when the creation and improvement of great cities became a passion was in that Graeco-Roman time when Rome was the capital of the world. We find then that the Roman genius for organization was applied to city building. Side by side with magnificence of civic centers and wide processional ways there were neglected social conditions. Men of great wealth gave large sums of money for the creation of public institutions and city beautification.

In his recent book Mr. H. V. Lanchester quotes the late Samuel Dill regarding the munificence of Pliny and other great Roman citizens. Pliny gave $45,000 for the foundation of a public library in his native town, and an annual endowment of $4,000 to maintain it, also offering one-third of the expense of the high school.

We read in the newspapers of today about the opinions of leading citizens regarding the need for improved home conditions. It is interesting to note how two thousand years ago money was given by Roman citizens to encourage boys to be kept under the protection of home influence, and to stimulate the interest of parents in education. One of the ways suggested to do this was to make them lovers of their mother city. Civic ardor was a religion, and men gave themselves unstintedly without pay to the service of the city as their home. Much of the beauty of these cities was attained, by private munificence and not by public expenditures.

We are told that on the rebuilding of the Great Hall in Pompeii in 3 B.C., Holconius Rufus and Holconius Celer defrayed the expense of the crypt, the tribunals, and the whole space for the spectators. Altogether it is calculated that Pliny must have given a sum of more than $400,000 to libraries, school endowments, and children's aid. Herodes Atticus gave even more liberally to temples, theaters, bridges, markets and other public improvements.

As cities became less attractive and citizens less inspired with the civic life, civilization seemed to make less progress. Thus with the break-up of the Roman Empire and the expansion of the Teutonic peoples, cities became distasteful and agricultural development the chief interest of the people. Through all these periods, whether in the days of imperial Rome or in the Middle Ages, there was the same lack of care for the quarters of the poor that finally became an element in the decay of ancient and medieval civilizations.

UNBALANCED BUILDING GROWTH

The last time I came to Pittsburgh was in 1911. I was attending a conference in Philadelphia, the first International Planning Conference in this country, and I made a trip, which began with Baltimore, and then took me on to Washington, Pittsburgh, Chicago, Cleveland, Detroit, Toronto, Montreal, Boston and New York. I completed on that journey a very superficial inspection of most of the intensively developed regions in this country. On that occasion I remember that I had the temerity to offer the suggestion that while high buildings had apparently become an essential part of American life, the failure was not in permitting buildings to be erected of too great a height, but in not seeing that there was a proper ratio between the height of the buildings and the spaces surrounding them. I ventured also to suggest that fundamentally this problem of planning was not mainly a problem of transportation and transit, or of the "city beautiful," but a problem of the social life of the people; and that unless you solved that problem of the environment of the home, and the present unbalanced distribution of the population, you would fail in solving the problem of the city. One has to be somewhat bold to place emphasis on this question. Last year at the meeting of the National Municipal League, I dealt with the question of the transportation and transit for New York, on which it is possible to arouse more interest than on questions related to living conditions. The sources of the difficulties which confront us in connection with both the problems of means of communication and housing are the same. They consist of congested and unbalanced building growth in the development of cities.

THE PROBLEM OF CONGESTION IN CITIES

As you look down the list of projects with which we are dealing in our regional planning in New York you will find that they come under the main heads of transportation, transit, traffic, zoning (control of the heights, uses and densities of buildings), parks, park systems, playgrounds, housing, civic centers and the display and arrangement of buildings. Let us consider what are some of the problems and improvements needed in connection with these things. If you will look up a paper on transportation by Samuel Rea, formerly President of the Pennsylvania Railroad, you will find that he emphasizes the fact that the difficulty which confronts the railways is not the question of getting more railroad lines, but the questions of the efficient operation of railway terminals and the improvement of means of distribution at their points of concentration. In other words, you will find that overcrowding in the central areas of cities presents the greatest difficulty in improving the efficiency of the means of transportation.

The same applies to transit. What is transit? It is the means used to carry the worker from his place of work to his place of residence. Rapid transit is the modern method of overcoming friction of space between home and factory or office. It is a necessity to enable us to overcome effects of congestion or perhaps temporarily to relieve congestion. In the long run, however, it may itself promote congestion as the result of excessive centralization of business activities coupled with scattered suburban distribution of residential areas. In New York, with the situation as it now is, it has to be recognized that many more facilities for transit are required so as to enable the city to function without waste and inefficiency. In any plans that are designed to improve conditions in established communities we must go on following trends of growth based on custom, on the existence of vested interests and perhaps on false economic considerations, even if these trends do not follow what we regard as a healthy and logical system of growth. We must, therefore, continue to carry people on transit lines more than it would be necessary under ideal conditions of distribution of population and industry.

What is zoning? The main purpose of zoning has been to try and correct the evils caused by the forms of congestion in building development. Zoning was established in New York to overcome the difficulties created by excessive heights of buildings. It had for its purpose the establishment of maximum heights in relation to street widths, the restriction of density or area of lots that could be occupied by buildings and the regulation of the uses to which buildings could be put in different situations.

What is the principal problem in Pittsburgh and New York in regard to parks and playgrounds? Is it not simply that there has been, in a land where there is unlimited space for all purposes, an intensity of building growth in the central areas without adequate provision for open space simultaneous with this growth? After land is developed with buildings it is too late to obtain open spaces at reasonable cost. We say it is lack of foresight that prevents us from acquiring these open spaces. But it is also lack of insight or proper understanding on the part of those in power, of what is needed to prevent those initial mistakes in development of land that lead to overcrowding and congestion.

Lack of provision of space at the proper time is also at the root of the problem of traffic congestion on the streets. We all know how severely clogged the streets in the central areas of cities have become. How are we solving this problem? We are having one-way streets, prohibition of parking and other methods of restriction which will afford temporary relief but no solution. Even the widening of streets, as Mr. Frederick Bigger has pointed out, may increase the traffic on the street to a point that adds to congestion if, as a result of the widening, you permit relatively greater height of building.

What is the real difficulty that confronts us in dealing with all these problems of the city? Is it that we are unwilling to face the real problem of adjusting the scale of building densities and heights to the space needed to serve adequately the business, traffic, transit, housing and recreational requirements of the citizens?

SOCIAL CONDITIONS IN THE MODERN CITY

Pittsburgh, like Philadelphia, affords an example where invention and technical education, side by side with executive ability applied to manufacture, have built up a material prosperity, probably unequalled in the world. But what of the comparison between Pittsburgh and the industrial communities of the old world in regard to social conditions, or the physical growth of the community? Is it much in advance of that which we have seen in the industrial cities of other countries, handicapped as these are and have been by evils passed down from feudal times?

Pittsburgh is a modern city. As far as the census is concerned it did not exist in 1790. We find in 1810 it was first dignified with a position in the census tables of the United States. It has grown more rapidly than NewYork. In the last 100 years it has grown from a few thousand to nearly 600,000. This is a percentage of growth of about 80 as compared with about 36 in the city of New York during the same period. Pittsburgh is therefore symbolic of modern civilization. It is the expression in the whole of its development of what we call the mechanical age. Magnificent things have been done in Pittsburgh. At the worst it is not so depressing as the English city of which Charles Dickens wrote in "Hard Times." Here is his description of Coketown:

> A town of machinery and tall chimneys, out of which interminable serpents of smoke trailed themselves for ever and ever, and never got uncoiled. It had a black canal in it, and a river that ran purple with ill-smelling dye, and vast piles of building full of windows where there was a rattling and a trembling all day long, and where the piston of the steam engine worked monotonously up and down, like the head of an elephant in a state of melancholy madness. It contained several large streets all very like one another, inhabited by people equally like one another, who all went in and out at the same hours, with the same sound upon the same pavements to do the same work, and to whom every day was the same as yesterday and tomorrow, and every year the counterpart of the last and the next.

Coketown is not the kind of place to inspire love of city. Every dweller in a city needs opportunity to develop that civic spirit which makes him proud of his city as a place to live and work in, and as a place in which there is art and beauty, as well as money and wealth.

What have the social conditions of the people to do with regional or city planning? For instance, what connection is there between the questions of housing and transit on the one hand and industrial efficiency on the other hand? Do you think that the manufacturer, whose workers have to travel two hours a day to and from Manhattan and Long Island on congested transit lines, suffers nothing from the fatigue, loss of time and expenditure of money on travelling which has to be borne by his employees? I know of men in New York who suffer seriously in health because of the nervous strain of having to travel to and from their work. Do you think that these things have no effect upon the cost of production?

Is the question of high buildings remotely disconnected from the question of housing? High buildings increase the cost of land for housing in central areas. They deprive adjacent low buildings of light and air. They cause congestion of the transit lines which people use to get to and from their dwellings. We find in New York what I think common observation has shown to you, that skyscrapers are the complement of the obsolete low buildings and blighted districts in every large city. They cause land to be dear but do not increase land values as a whole. Intensive development in one place means lack of development in another place. If you persist in building on the air, you don't want land to build on.

All of us do not travel into the suburbs to escape the crowded apartment. Many travel long distances into country districts and still live in crowded tenements. When you build a high block of tenements in the suburbs you are lessening the demand for the large amount of vacant land that lies unused all around it. You do not increase your population by having tenements. The chances are that the more attractive you make housing conditions the greater the attraction will be to population. Side by side with the tenement building in the suburbs you find vacant lots, served with sewers, water and light,—lots unused, on which the owners pay taxes, without any source of revenue. It is only the individual in special instances who, for a short while, gains by the form of congestion that takes place in suburban areas.

DISTRIBUTION OF POPULATION IN PENNSYLVANIA AND NEW YORK STATE

There is better distribution in Pennsylvania than there is in New York. In 1810 New York passed Pennsylvania as having the largest population in this country. Virginia was still first. In 1820 New York came in front of Virginia. But the two states that have maintained their population most steadily in the last eighty years have been New York and Pennsylvania. They still lead as the two most populous states of the Union. New York has over 10,500,000 people. Pennsylvania has considerably over 8,000,000. But Pennsylvania has a better distribution. In New York City alone we have about five and one-half million people out of that ten and one-half that we have in the whole state. In Pennsylvania you have a more equitable distribution and you have maintained a progressive growth as great as that of the state of New York. The surplus population in New York over Pennsylvania is no greater today than it was seventy or eighty years ago.

In this state you have the opportunity, I think, of dealing with this problem of more even distribution of population and industry than we can have in the state of New York. In the metropolitan region comprised in New York and its environs, where we have 9,000,000 people in an area comprising 5,528 square miles, it is predicted that we will have from fifteen to twenty millions of people in 1965. Even if we have twenty millions, we can still house them in that region, within 50 or 60 miles of Manhattan, on a scale of distribution which would not exceed 20 or 30 people to the acre. Yet in part of Manhattan we have five or six hundred people to the acre, and we are accustomed to saying, as you have been accustomed to saying in Pittsburgh, that this condition persists because of the physical difficulties of expansion.

The two cities in this country which suffer most from restrictions on growth, as a result of physical difficulties, are New York and Pittsburgh. We have rivers on two sides of Manhattan, so wide that the cost of building bridges and tunnels is almost prohibitive. On the north there is a small river, the Harlem River, but still a serious physical obstruction. On the Hudson side, after you have bridged the river, there is the further obstruction of the Palisades and again behind these high escarpments the 20,000 acres of the Jersey meadows which consist largely of marsh and are intersected by the Hackensack River. Pittsburgh has been confronted with the difficulty of extending out of a deep valley and of trying to expand over on to the hills. Attempts that have been made to deal with the situation have all brought forward the excuse that in New York and in Pittsburgh the necessities for congestion have been due to nature and not to anything that man has done. But is it not our duty to prepare plans to conform to nature, and not try to make nature conform to our plans?

There are those who think it is useless to plan and that all we can do is to let things drift. For my part, I would rather try to suggest an ideal that was unattainable than try to excuse our lack of intelligence for the things we have already done. But I think, if the practical business man would apply the same intelligence as he uses in his industry towards the problems of the city he would see the folly of letting things drift and failing to plan and regulate the future growth of the city.

I have already said that what may be endured in small may be unendurable in large measure. Karel Capek has said the horrible thing in East London was not what could be seen and smelt, but "its unbounded and unredeemable extent." As he says, where poverty and ugliness exist as a rubbish heap between two houses or in small areas, it is merely an incident, but as cities grow and cover large regions like London, the distressing thing is that "there is too much of it; and it cannot be reshaped."

The great need for regional planning today arises from the fact that as urban regions expand you have, not small intensive areas of bad growth, but widely extended areas, suffering congestion and unhealthy social conditions. That is why the need of regional planning has become of pressing importance in these days of great urban aggregations.

DISPLAY OF PUBLIC BUILDINGS

Let me refer briefly to another point. What is the great fault with the public buildings in most of our cities? America today has created a standard in architecture which is the admiration of architects throughout the world. You have beautiful buildings in Pittsburgh. But there is here a lack of opportunity for display of most of the beautiful buildings you possess. Washington is an outstanding example where you have beautiful buildings adequately displayed, because there is space in which to display them. The great fault of the industrial community is the lack of space to display its monumental structures. That is a part of the question of lack of proper distribution of the buildings of the city, and of spaciousness in the laying out of the city.

PLANNING MUST BE CONSTRUCTIVE AND HAVE THE RIGHT OBJECTIVE

Constructive methods should be used in city and regional planning. It must be based on comprehensive study of the physical, economic and social conditions of the city. It must have as its objective the well-being of the city and the citizens. I would be the last to say that there is not a good deal of criticism to be brought to bear upon some of the planning that has been done. There has been good planning and there has been bad planning. All cities have been planned in some kind of fashion. Cities have suffered less from lack of planning than they have from wrong planning. As the heroine in Sinclair Lewis' "Main Street" said of the typical western town, "It must have taken genius to make them so scrawny." The chief difficulty is perhaps that of obtaining concerted action. The power of concerted action is needed to guide community growth on the right lines. We are beginning to learn that what is the interest of the private owner of land is the interest of the community, and what is the interest of the community is the interest of the private owner.

I have placed emphasis on what might seem to some to be the unpopular side of the subject, because I believe it is the most fundamental, and being the most fundamental, it touches the pockets and liberties of those who are privately interested in conditions as they now are, and who, in many cases, only see the advantage of that which is beneficial to themselves. We must continue to respect the rights of property, but the owner of land does not possess any right to do that which destroys the health, lessens the safety, or injures the welfare of his fellow citizens. To give strength and add beauty to the city, to give wholesome environment to the citizens in their homes and places of work, to lessen waste and inefficiency caused by congestion will not lessen but will add to the real values of property. These things will add also to the health and happiness of the citizens and to the sum of human efficiency that constitute the foundation of wealth and of progress.

TOLEDO HESITATES IN VOTING BONDING PROGRAM

BY VIRGIL SHEPPARD

University of Toledo

Toledo's ten-year improvement program, involving the issuance of $32,500,000 in bonds, was defeated at the recent election. :: ::

Teacher: "Johnny, did you find out how much a million dollars are?"

Johnny: "Yes ma'm. I asked my dad last night and he said it was a hell'uva lot of money."

Thirty-two million five hundred thousand dollars of Uncle Sam's greenbacks is a whole lot of "jack" to the average citizen, especially when he has never before been called upon to consider such a huge sum and when he has the impression that one man will control the expenditure of it. Hence, the defeat at the November election of a wonderful financial plan for improving physical conditions in the city of Toledo, Ohio.

The defeat showed that Mr. Average Citizen in Toledo was not prepared to think in such large figures so far as his municipal government is concerned. In short the defeat indicates the need for more civic education for the purpose of inculcating into the voter a more tolerant attitude toward his government.

PROPOSED PROGRAM OF IMPROVEMENTS

Taking immediate advantage of a new state law effective in July, 1925, the administrative and legislative branches of the city government submitted to the voters the question of approving the issuance of $32,500,000 worth of bonds for 18 public improvement projects. The new law made it possible for debt charges on bonds authorized by a 55 per cent majority of the vote cast on each proposal to be levied outside of all existing tax limits.

Such a levy would not decrease the operating revenues of the city levied within the tax limits. The famous Smith One Per Cent Law necessitated the unsound practice of decreasing operating levies when additional bonds were sold. The net result was that in most of the cities of Ohio the administration of current activities was either seriously crippled or completely paralyzed.

Through the careful consideration of the city planning commission the program of physical betterment was made to include all probable permanent improvements to be financed during the next ten or twelve years. The proposed improvements consisted of street paving, grade crossing elimination, construction of bridges and public buildings, waterworks extension, port development, completion of the sewerage system, purchase of land for parks, playgrounds and civic center and a few minor improvements. The program as adopted by the planning commission and the city administration was by far the most forward-looking and far-reaching financial plan for improvements ever formulated by an Ohio city. As a city planning project it was as nearly complete from a financial standpoint as could be imagined. Although definite plans had not yet been drawn for some of the improvements to be made, it was thought that the adoption of a financial plan at the very outset would insure a continuity of policy in the physical planning of the city. Hitherto, city planning meant little or nothing in Ohio cities since the financing of large improvements meant a decrease in the tax levy for current operating expenditures.

CAMPAIGN FOR PROGRAM

The campaign for the 18 proposals was probably the most intensive and best organized of any political campaign ever made in this section of the country. However, as will be shown later, the campaign was not without defects. Without a doubt it can be said that never before in the history of the city has a candidate or a project been defeated after having from all ordinary appearance such well organized support and such little organized opposition.

The organization of the campaign was chiefly the work of the leader or "boss" of the Republican party in Toledo. He was named chairman of the campaign committee and in that capacity placed the business of bringing the issues before the people on a very efficient basis. Use was made of the Republican precinct committeemen to give solidarity to the campaign in the various sections of the city. The campaign committee was established on a non-partisan basis and many influential men and women served upon it. Division of work was brought about by establishing several subcommittees. There were committees on finance, advertising and publicity, labor, retail merchants, churches and clubs, industrial plants, real estate, speakers' bureau and statistics.

In addition to the support of the Republican party the bond issues were endorsed by the somewhat disorganized Democratic party. Many of the old Independents who made history in the days of "Golden Rule" Sam Jones and Brand Whitlock were actively engaged in supporting the proposals. Naturally the city administration and the great majority of councilmen were back of the issues. The director of public service, now president of the state organization of city planners and a man deemed the ablest in the city for the official position which he holds, stumped the wards for every issue.

Of the three daily newspapers two came out unqualifiedly for the program as adopted by the administration. One of the two, an independent organ which had long opposed the Republican machine, lent its whole-hearted support to the Republican boss in his efforts to put the issues across. The third paper is ordinarily a Republican sheet. However, it lent its support to only $13,000,000 of the bonds which if voted would be used for financing the most essential improvements. Supposedly for legal reasons discussed later it would not endorse the entire program. The weekly paper of the Central Labor Union came out very strongly for the proposals, urging every union man to support all of the issues.

Other printed publicity was secured through the wide distribution of several forms of cards, small pamphlets and folders. Through these an attempt was made to show how the money would be spent and the resulting increase in taxes.

The poster advertising portion of the campaign was quite remarkable for its intensity. On practically every lamp standard in the congested district placards were attached. On street cars, police semaphors, automobiles, and other places where they could be viewed by all were placed several kinds of posters. The fact that the game of football has such a large following in Toledo was cleverly capitalized in making up one of the posters.

Large well-painted signs were placed on all fire department houses, at railroad crossings, at bridges, at important street intersections, at entrances to city parks, along boulevards and at every other site where it was proposed to make improvements. Each sign advocated the passage of the bond issue which if voted would be used to improve the site where the sign was located. For example, the sign at each grade crossing urged the passage of the grade crossing elimination bonds. Each sign also urged a "Yes" vote on all bond issues. On every sign and on many other forms of advertising was placed the campaign slogan: "Let's put more 'do' (pronounced 'dough') in Toledo!" Huge billboards were erected in many sections of the city to catch the eyes of the passersby. A letter and little booklet were sent to every registered voter explaining the need for the improvements. In short, nearly every conceivable method of printed and sign publicity was used to carry the program to the voters.

The speaking campaign was just as well organized. Speakers were secured from all the industrial groups in the city. The corps of speakers included some of the ablest orators and leading citizens of the municipality. Democrat, Republican, and Independent worked side by side to bring what was considered by them a common cause to the attention of the people. One of the defeated candidates for mayor at the election held two years ago spoke on the same platform with his successful opponent. During the three weeks before election scarcely a meeting of any kind for any purpose was held in Toledo without some bond speaker being present, so thorough was the work of the speakers' bureau. Speechs were made from the stages of all downtown theaters. Practically every civic organization seems to have given its approval to the proposed program. Fraternal organizations, parent-teacher clubs, labor unions, community leagues, chambers of commerce—including the central chamber—and the luncheon clubs endorsed the issues. Not even the public schools were neglected in the publicity campaign.

A supervisory committee of 30 leading men and women was named by the mayor for the purpose of advising the city government as to when and for what particular purpose the bond money if voted should be spent. Although it was pointed out that this committee had no legal status it was thought that the standing of its members in the community would be weight enough to influence the government officials in properly spending the money.

Just before the election some of the largest and best known taxpayers in the city endorsed the program in the newspapers over their own signatures. Many ministers urged their congregations to vote "Yes" on all issues. The Catholic bishop of this district wrote his approval. The president of the American Federation of Labor sent his endorsement of the program.

In brief, the visible evidences of the campaign must certainly have given the impression to anyone visiting this city a few days before election that the passage of the 18 proposals was a foregone conclusion. Many of the bitterest opponents conceded that most of the important issues would pass.

PROGRAM AS A WHOLE DEFEATED

Imagine the shock to the Republican boss, to the city officials, and to other staunch advocates of the program when the election returns showed that only one issue of $3,000,000 for grade crossing elimination was approved! An atmosphere of complete depression pervaded the city hall the day after the election.

What brought defeat for this supposedly well-planned and forward-looking program?

A long list of factors played parts of varying importance. Although many of the arguments heard against the issues influenced only a little group here and there, the multiplicity of them gave the majority of voters sufficient excuses to vote "No" on most proposals.

No doubt the most important factor causing the rejection of the 17 proposals was that of a general lack of confidence in government. Many voters expressed the opinion that much of the money would find its way into the pockets of public officials and in other ways be used unwisely, if not corruptly. The establishment of the bond supervisory committee instead of serving as a good argument for the program was in one way a boomerang. The question was asked, "If the city government is competent to spend the money properly why is it necessary to establish a supervisory committee?" Naturally this gave the inference that the government was not competent. Many voters could see no necessity for voting so much money at one time. The program was high over the heads of many.

Coupled with the factor of lack of confidence there was often expressed the opinion that there could be no unselfish purpose motivating the boss of the Republican party who it was claimed would control the expenditure of the money. Especially was this argument effective when combined with the facts that the boss was the chairman of the executive committee of his party, chairman of the city planning commission, chairman of the regional planning commission in addition to being chairman of the bond campaign committee and a member of the bond supervisory committee. In justice to this leading personage it must be said that some of his bitterest opponents politically voiced the opinion that his only motive was one of service to his city.

For a number of reasons two of the three candidates for mayor opposed the bond issues. However, it appeared that neither candidate had a very effective organization or a large following. The best pre-election dopesters estimated that the organization candidate for mayor would receive a majority of all the votes cast. It was therefore assumed that if the people voted for this candidate they would also vote for the bond issues, all of which he had endorsed. But although the organization candidate was elected by a majority vote the main plank in his platform was cast aside.

As is often the situation the question of legality of the proposals was raised. A local law firm headed by one of the ablest lawyers in the city and one of the most hostile opponents of the Republican boss secured the opinions of the attorney general of the state of Ohio and of the most reputable firm of bond attorneys in the middle west to the effect that only about $15,000,000 of the bonds, if voted, could be sold. The opinion was based upon an interpretation of the new law which made this campaign possible. Of course very few people understood the nature of the legal questions involved and no one knew how the supreme court of the state would interpret the law, but the mere hint of illegality served as a very legitimate excuse for voting against the issues.

The absence of information regarding financial laws of the city and state was shown when many people gained the impression that money was taken from the city treasury to finance the campaign. This probably resulted from placing signs on fire department houses and other public buildings and in the public parks and playgrounds.

The argument that the issuance of bonds would considerably increase taxes was effectively used. However, at the same election the voters by a two to one vote authorized an increase in the tax rate to the extent of 1.25 mills for school purposes. As a matter of fact, had all the bonds been voted there would have been no increase in taxation for debt charges next year and in 1927 the increase would have been less than one mill, as estimated by the city research agency.

Many other arguments had their influence, though no one served to influence many voters. The pay-as-you-go plan, the large per capita debt, foolish expenditures in past years, the recent trouble in St. Louis between the mayor and a bond supervisory committee, all contributed to the downfall of the program.

MORE CIVIC ENLIGHTENMENT NEEDED

Defeat has shown the need of a more extended and even more intensive campaign of public education. The citizen must learn to know what the government means to him, what services it performs, why money is needed to perform these services, how the state government limits the financial powers of the city and what are his obligations to the government. The prejudices that many people have against all government in general and municipal government in particular must be eradicated. A spirit of tolerance in matters civic must be woven into the popular fabric before extensive city planning can be placed upon a permanent foundation in Toledo.

The recent campaign has served one useful purpose. It was a big and very important step in the educational campaign for civic betterment. The lessons learned should aid materially in conducting future bond campaigns. Let it be hoped that other cities contemplating an extensive program of public improvement may be able to profit by the experience of Toledo in planning their campaign.

WHAT GOVERNMENT SHOULD A REGION HAVE?[1]

BY THOMAS H. REED

University of Michigan

Professor Reed discusses the governmental needs of a region in the light of European experience. :: :: :: :: :: :: ::

THERE can be no debate as to the existence of metropolitan regions—geographic, social and economic units embracing an area far larger than the city and offering problems with which the ordinary machinery of local government is quite inadequate to deal. This meeting is held in the midst of perhaps the most extraordinary of such regions. Within a radius of an hour's automobile ride, Pittsburgh is surrounded by three cities, 68 boroughs and 58 townships. Within such an area, there are obviously problems of planning and plan execution, transportation, traffic, public utilities, drainage, public health and education, which can only be dealt with effectively for the area as a whole. The most serious question which confronts students of municipal government today is the development of some form of governmental organization through which these problems can be met successfully. So far, they have been dealt with haphazardly. Desperate situations have brought forth temporary and partial remedies. It is time that we surveyed the little progress which has been made and applied ourselves to the constructive treatment of this vast politico-scientific problem.

MEETING THE GOVERNMENTAL NEEDS OF A REGION

Recognizing that there are certain governmental needs in the region which can be met only by some form of governmental organization extending throughout the region, there are three possible methods by which the extension of such governmental authority can be secured: first, by the creation of special authorities for each particular need; second, by the consolidation of all powers of local government throughout the region in a single authority with or without devolution of subordinate powers to divisions of this greater municipality; and third, by the establishment of a regional government of limited powers, leaving in existence the existing units of local government.

CREATION OF SPECIAL AUTHORITIES

The first of these methods is the one which has been made use of most frequently. It is obviously the line of least resistance. It involves no more than the meeting of each critical situation as it arises. It would be possible to present numerous examples of such *ad hoc* authorities. They fall into four classes: (1) those where the authority is appointed by the central government; (2) those where it is selected by the governing bodies of the various units of local government concerned; (3) those where it is elected by the direct vote of the people of the area affected; and (4) those where it is made up, in whole or in part, of representatives of the various interests most nearly affected by its activities.

An example of the first class is the London Metropolitan Police District, where the authority is the Home Secretary himself. In this country we have the Massachusetts Metropolitan Commission, the Milwaukee Metropolitan Sewerage Commission, the Passaic Valley Sewerage Commission and a few port authorities.[1] The objections to a state-appointed authority are too obvious to require rehearsal. These authorities have been almost uniformly efficient, but this method of securing efficiency can never have any wide appeal in a democratic society.

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[1] This article is a transcript of Professor Reed's speech at the Pittsburgh meeting of the National Municipal League, November 18, 1925.

The best example of the second class is perhaps the Metropolitan Water Board which supplies water to London and some neighboring communities. It consists of 66 members, chosen as follows:

The London County Council	14
The county councils of Essex, Kent, Middlesex, Surrey and Hertfordshire, one each..................	5
The cities of London and Westminster, two each....	4
The Borough Council of West Ham..................	2
Borough Council of East Ham, 27 metropolitan borough councils, urban district councils of Leyton, Walthamstow, Tottenham and Wellesden, one each..	32
Various groups of smaller boroughs and urban districts, one each................	7
The Thames and Lee conservancy boards, one each	2
Total................	66

Each of the authorities above mentioned chooses its representative or representatives from its own number. It will be admitted that 66 is a rather cumbersome body for the administration of a water system. The large number, however, is inevitable if each of the local divisions concerned is to have representation in anything like proportion to its population. The Metropolitan Water Board functions successfully, but its task is by no means an arduous one.

An important American authority of this class is the Montreal Metropolitan Commission, which includes Montreal and 15 small suburban municipalities. It was created in 1921 primarily to aid four of the smaller municipalities of the island of Montreal, which were in danger of defaulting on the interest and principal of their bonded debt. It was given power to aid these municipalities with loans on the credit of the whole district, and to control their budgets, audit their accounts, etc. At the same time its approval was also made necessary for the exercise of borrowing powers by any of the other municipalities, except Montreal. It is now the practice for the commission to issue its bonds in the case of approved loans and to collect the necessary sums for interest and amortization from the city or the town concerned. The general expenses of the commission are apportioned on the basis of the taxable property of each municipality. This carries with it a power to examine and revise the assessment rolls of the municipalities under its control. The commission is composed of fifteen members, seven of whom are chosen by the council of Montreal and one each by the councils of Lachine, Outremont, Verdun, Westmount and by conventions of delegates of the towns west of Montreal and east of Montreal respectively. The number is completed by a member appointed by the Lieutenant-Governor and the Comptroller of Montreal ex-officio. This commission has been very successful and its powers are being gradually enlarged. The type of organization, however, is open to serious objection. Aside from cumbersomeness, the chief objection is that the system of indirect election makes for irresponsibility on the part of the authority so created. The taxpayers of the district pay the bill, but cannot get directly at the individual members of the authority. This is a matter of minor consequence in the management of a going water system or the activities of a supervisory body like the Montreal Metropolitan Commission, but it would become a serious objection wherever large problems of administration were involved.

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[1] The Port of New York Authority, appointed by the governors of New York and New Jersey, has some of the characteristics of both the first and the second class.

The Sanitary District of Chicago is the largest *ad hoc* metropolitan authority whose governing body derives an independent existence from popular election. The district embraces fifty cities and other local units covering an area of 436 square miles and with a population of over three million. Its activities have been very much in the public eye and it only needs to be said here that, if it is to be criticized at all, it is for a too faithful pursuit of the interests of the sanitary district, to the exclusion of the rest of the Great Lakes region. It is governed by nine trustees, chosen by the electors of the district, three every two years for six year terms.

Another similarly governed district is the East Bay Public Utilities District, consisting of Oakland, Berkeley, Alameda and six other California cities. It is governed by five directors, elected by wards. So far it has concerned itself only with the matter of water supply. To this sort of authority it is very vigorously objected that their creation multiplies elections. One, or even two, of them are perhaps tolerable, but to cover the whole field or regional problems in this manner is to confound thoroughly the existing confusion of local authority. The same objection of course applies with somewhat less force to authorities of the second class. Local government to be effective should be simple, for the electorate can only understand simple governmental devises. It is difficult enough now to elicit even a faint interest in local elections; to increase their number is to multiply this evil.

For an authority of the fourth class, we must turn to the Port of London authority. The area of this authority lies partly within and partly without the administrative county of London. The authority consists of 18 members elected by payers of port dues, wharfingers and owners of river craft, and ten members appointed, one by the Admiralty, two by the Minister of Transport, four by the London County Council, two by the corporation of the City of London, one by the Trinity House Corporation. The Port of London authority has dealt successfully with interests of the first order of magnitude. There is undoubtedly a wide field for this type of organization in connection with regional enterprises, involving commercial and industrial activity on a large scale. A partial application of the same principle has been made in the recently created Home Counties Traffic Advisory Committee. This committee has been established as a result of the report of the Royal Commission on London Government and has advisory functions of considerable importance in connection with the problems of traffic and transportation in the Greater London area. It consists primarily of representatives of the central government and of the local governmental units concerned, but for certain purposes, representatives of labor, bus operators and automobile owners are called in as additional members. The doctrine of the representation of interests has made but small headway in the United States, but it is worthy of consideration that in England they have recognized even thus partially the fact that there are other aspects of life than the purely residential which deserve recognition at the hands of government. We may leave this analysis of *ad hoc* authorities, however, with the conclusion that they can solve the metropolitan problem only partially and temporarily when working at their best, while at their worst they offer serious danger to honest, responsible and representative government.

CONSOLIDATION OF LOCAL GOVERNMENTAL POWERS

The consolidation of the powers of local government throughout the region in a single authority carries with it obvious advantages, as compared with any of the other alternatives. In a recent letter, Mr. I. G. Gibbon of the English Ministry of Health, one of the most distinguished authorities on local government in the world, makes the statement that "experience certainly goes to show very strongly that one of the chief things desirable for good government is concentration of authority and function." There is, then, behind the desire of cities to annex the outlying communities, something more than a blind purpose to increase their census status. I am prepared to admit that, from the point of view of pure efficiency in operation, the consolidation of authority and function throughout the region is a desirable end. The objection to it lies chiefly in the attachment of the people to the local communities in which they live. This attachment is very real and is in no event to be lightly overridden by the searcher for pure efficiency. I may go further and say that it cannot be overridden. It is impossible, in these days, in the United States at least, to put through an extensive annexation program against the wishes of the people of the territory annexed. We all remember of course the forcible annexation of Allegheny to Pittsburgh, but we remember, too, the tremendous repercussion of that high-handed proceeding in the public opinion of this country. For fifteen years now the boroughs surrounding Pittsburgh have valiantly resisted a similar fate. Highland Park will not join Detroit voluntarily, nor will Brookline join Boston, nor Evanston, Chicago, and they cannot be forced to do so.

There has been but one example in the twentieth century of a great city extending its boundaries to include numerous pre-existing municipalities, —the creation of Greater Berlin in 1920. It required all the pressure of post-war necessity, plus a tradition of subordination to central control, to bring this consolidation to pass. At that, it had to be accompanied by the devolution of extensive powers to the divisions of the metropolis. For many years before the European War of 1914, the population of Berlin had been spread over an area of which the municipality of that name was but the nucleus. The existence of common interests and problems was generally recognized, but no union was effected until 1911, and then only by compulsion. In that year, a Prussian statute created a "Union" (Zweckverband) for the control of tramways and rapid transit lines, and the acquisition of open spaces. In the midst of the war, the municipalities voluntarily joined in the formation of the Greater Berlin Employment Registry Commission of 1917. War necessities likewise led to numerous unions of an emergency character, such as the Food Stuffs Union, the Fuel Union, the Horseflesh Supply Office, the Greater Berlin Housing Union, etc. While in this manner the way was being broken toward the creation of a greater city, there was increasing inconvenience from the conflicting problems of the vast number of local authorities. This was especially apparent in the matter of gas, water, electricity and sewer services,—Berlin furnishing a first-rate example of the "metropolitan problem" at its worst. There were 17 water works, 15 electric plants and 43 gas plants serving greater Berlin. Before pipes or wires could be laid on any large scale, negotiations must be undertaken with several authorities, which in some cases required years to complete. A somewhat extreme instance of the resulting confusion was the attempt of one municipality to divert the water supply of another. In the field of "housing," the municipalities still possessed of land had no means with which to build, while Berlin itself, whose need of houses was excessive, had no land to build them on. By 1919 the population of Berlin was 1,907,471, while an almost exactly equal number dwelt in the neighboring communities. All these things made the creation of some competent central authority inevitable. Some of the suburban municipalities urged the retention of the existing municipalities while creating above them a federated city. Another and perhaps more influential view favored a centralized municipality. The act of 1920 was a compromise between these two opinions, but leaned more heavily upon the latter. It swept away the existing municipalities. It created twenty "administrative districts," six out of Berlin and fourteen from the eight cities, 59 rural communes and 27 manorial precincts, which were made the subject of the merger. Each of these districts elects a council and is provided with an administrative organization. It left, however, to the central authorities of the new city the final determination of what matters fall within the competence of the district governments.

At the basis of the government of Berlin stands the "Municipal Assembly" (Stadtverordnetenversammlung). It consists of 225 members chosen at one time for a term of four years by a curious system of proportional representation. The principle of proportional representation is also applied to the election by the assembly of the magistrat, which consists of not more than thirty members. These, as in other Prussian cities, are partly paid members chosen for twelve years, and partly unpaid members chosen for the term of the assembly. The assembly also chooses an oberburgermeister and a burgermeister, who is in effect a deputy or assistant of the former. The functions of these authorities in Greater Berlin and their relation to one another are in no respect dissimilar to those which have long prevailed in Prussian cities.

The area of the city was divided by the Act of 1920 into twenty Administrative Districts (Verwaltungsbezirke). Future alteration of district boundaries was left to joint resolution of the municipal assembly with the approval of the district assemblies concerned. These district assemblies consist of the members of the municipal assembly from the district and of from 15 to 45 persons chosen in the district by proportional representation at the same time as are members of the municipal assembly. The district assemblies, subject to the principles laid down by the municipal assembly and magistrat, "act upon all affairs of the district." Upon them also is conferred the "supervision of the administration of those municipal arrangements and institutions" of their respective districts, "which are intended primarily to serve the interests of the administrative district." As a basis for the municipal budget, the district assembly prepares and submits, through the district board to the magistrat, a report on the needs of these "institutions and arrangements." Provision is further made that in the annual budget special estimates shall be adopted for district needs and assigned to the district to be executed. After all this is but a vague definition of powers, typical of European law-making and in strong contrast with American practice. It is the apparent intention of the law to leave to the districts a considerable range of activities, subject to regulation and adjustment by the central authorities of the greater city. The position of control is further strengthened by the veto which is given the magistrat over the acts of the district assembly and other district authorities.

The district is provided with a full complement of administrative authorities. The most important of these is the District Board (Bezirksamt), which consists of seven members elected by the district assembly. The members of the district board are mostly salaried officers with twelve year terms, but there may be unpaid members whose tenure is that of the assembly which elects them. The district board is the executive authority of the district, an agency of the district assembly, with power to appoint its own officials, etc. It is also the agent of the magistrat in administering any affairs which that body may intrust to it. On the other hand, the magistrat must consult with the chairmen of all the district boards before it comes to a final decision on the budget plan, the division of administrative functions between the municipal and district authorities, and the exercise of the veto upon the acts of the latter. The district board is furthermore specifically charged with the duty of mediating between the district assembly and the municipal bodies.

As in the administration of the municipality at large, resort is frequently had in the districts to Deputations (Deputationen), which consist of members of the district assembly or qualified citizens named by the assembly or members of the district board appointed by the district burgermeister, who also designates the chairmen from the latter.

By concurrent resolution of the district assembly and district board with the approval of the magistrat an administrative district may itself be divided into Local Districts (Ortsbezirke). At the head of each such district is a chairman and a deputy chosen by the district assembly for twelve years if salaried or four years if not. With the consent of the magistrat, a local council, elected by the people, may also be established, who, among other powers, possess the right to nominate candidates for local chairman. Thus is created a further tie between the people and the administration.

On the whole, the governmental system of Greater Berlin seems to be one of deconcentration—i.e., the localization and popularization of administration—rather than one of genuine municipal federalism. It is too early to render a definite judgment upon the degree of autonomous activity permitted to the boroughs. If money spending is any guide, the needs recognized as purely local make up something less than half the total budget estimates. This means that the administrative districts are vastly more important relatively than the New York boroughs which spend but 7.4 per cent of the current expense budget of the city.

REGIONAL GOVERNMENT OF LIMITED POWERS

Consolidation of authority and function with such devolution of power to subordinate areas as is provided in the government of Greater Berlin approaches very closely in its practical results to the third alternative—the creation of a regional government of limited powers. After the new governmental organization has been created, it is difficult to tell, from any analysis of functions, over which road it has come. It is possible, however, to create a regional government of limited powers while leaving in existence the present units of local government. This method of solving the metropolitan problem is commended by its feasibility. It involves no sacrifice of cherished local independence, no change in names and allegiances. There must, of course, be some surrender of power by the existing local units, but that surrender presumably will go no further than those activities in which the regional problem has made its appearance. In other words, the existing local units will lose nothing that they could profitably keep. Not only does the preservation of the identity of existing local units promote the feasibility of regional government, but it may, from certain points of view, be regarded as a positive good, off-setting to a considerable degree the presumed greater efficiency of a centralized consolidation. In the service of local government, it is desirable to enlist all the available sentiment of local patriotism. To create great metropolitan cities, regardless of this principle, is to court increased indifference to city government. That this indifference is already serious, the fact that less than half of the resident citizens of voting age in New York City take the trouble to register for an important city election and a still smaller proportion vote, is sufficient proof. The larger the unit, the further government is removed from the people. Popular interest declines in direct proportion to this distance, up to the point where the dramatic appeal of national politics begins to take effect. The creation of a regional government which left in existence the present local units would to that extent multiply elections and increase the complexity of our governmental system. These are things in themselves undesirable, and they must be set off against the greater feasibility of this method of solving the metropolitan problem.

This objection disappears, of course, if it is possible to identify the region with any of the existing units. Allegheny County has been suggested as the unit for the regionalization of Pittsburgh. It embraces most of the urban communities centering on Pittsburgh. It includes a fairly extensive agricultural area, but not more perhaps than it is desirable to control for the purpose of establishing outlying open spaces and directing the course of future development. Indeed, there is real reason for believing that every metropolitan region should embrace both urban and rural areas.

The governmental organization to be provided for such a region must necessarily be worked out by experiment. In no other way can we determine absolutely what its organization should be. Reasoning by analogy from the experience of other units of local government, it may be suggested that the governing body of the region should be a council of from nine to twenty-five members elected at large by proportional representation or by districts, that its administrative functions should be entrusted to a professional manager under whom should be erected a number of departments,—health, education, public utilities, etc., according to the necessity of the particular situation.

Analysis of the various alternatives offered for the solution of the regional problem seems to lead to the conclusion that there should be a single authority for the region. This is supported by the recent consolidation of three commissions in the Massachusetts Metropolitan Commission, the creation at Morris Knowles' suggestion, of the Essex Border Utility District with broad powers, and the proposed Metropolitan District of Detroit. It would appear also that some concession must be made to local interests and the spirit of local patriotism. Whether we proceed by consolidation and devolution, or by the federation of existing units in a regional government of limited powers, is a matter of no great consequence except from the point of view of the political feasibility of the operation. In either event, we have a new unit of local government of far greater extent than the municipalities with which we have been familiar, a unit as large as, or in many cases much larger than, the county. Within this unit local sentiment will be enlisted and local interest secured by leaving a broad field of activity to divisions of the metropolis. These divisions may be either newly built upon scientific lines or may be the old units in which the people have been living.

Those who gather at National Municipal League meetings like to hear at least of new things and are moderately receptive of new ideas. This is a very new idea. There has been no change in our conception of the relative positions of cities, towns and counties since the Pilgrims set foot on Plymouth Rock. To challenge a tradition of three hundred years' standing is a bold act. Our conception of government and of the areas of government, however, must be molded to match the realities of life. The great city of today is no longer a reasonable correlative in the scheme of government of the town or township. It can no longer be regarded as a part of the county. Political boundaries must be made to coincide with economic and social boundaries. If this demand is unprecedented, so is the situation which creates it. This is the age of the city. As Chief Justice Mansfield sat down weekly to dinner with the merchants of London to modernize the law of commerce, so must our legislators sit down with city planners and municipal reformers to give the metropolitan city her proper place in the scheme of government.

THE CORONER SYSTEM IN PHILADELPHIA

BY AUSTIN F. MACDONALD

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A description of the coroner system as it exists in Philadelphia, a slipshod and ineffective system that has long since outlived its usefulness.

One of the most curious political anachronisms of modern times is the office of coroner. As long ago as the days of Henry II, and probably before, there were coroners in England; but these men were knights of the realm, whose chief duty it was to find the property of unclaimed dead persons and seize it in the name of the crown. Today in most cities of the United States there are coroners, political henchmen for the most part, rewarded with public office for their vote getting ability. Their function is to investigate cases of violent death, and to hold inquests to determine why death occurred.

In most cities the actual decision as to the cause of death is made, not by the coroner, but by a jury chosen to aid him in the work. Such an arrangement is unfortunate, even if we make the unwarranted assumption that the jury is composed of well educated citizens with a high sense of civic responsibility. It usually takes more than a good general education to determine whether a person whose body is found in several feet of water met his death by accidental drowning or by foul play. A desire for service does not carry with it a knowledge of the effect of poisons on the human system. Most of the problems confronting the coroner and his jury from day to day are of a highly technical nature. Their solution requires an understanding of specialized phases of medicine seldom possessed by the general practitioner, and a familiarity with legal problems beyond the ken of the average attorney. Such knowledge cannot reasonably be expected of jurors. It is obvious, therefore, that the jury must look to the coroner for expert advice in aiding it to reach its decisions. Whether the coroner's office is equipped to furnish such expert advice is a matter of vital importance.

CONDITIONS IN PHILADELPHIA

Typical of conditions throughout the country is the situation in Philadelphia, where the coroner system still flourishes. Here the coroner is elected by direct vote of the people for a three year term. This is merely another way of saying that he is chosen by the organization to serve during its pleasure. Under the most favorable conditions the people are poor judges of the technical qualifications of an administrator. And conditions in Philadelphia are far from favorable to an intelligent expression of the popular will. At the municipal election in November, 1923, each voter was asked to choose from among one hundred and twenty-eight different candidates for thirty-six offices, in addition to expressing his opinion of two loan bills and four proposed amendments to the constitution. The people were expected to select not only the coroner, but also the receiver of taxes, the recorder of deeds, the sheriff, the mayor, the constables, and an imposing array of other officials. Under such a system the electorate cannot choose intelligently. It is not expected to. It sweeps into office the men whose names are on the "regular" slate, and in so doing meets all the requirements of the powers that be.

CORONERS GENERALLY POLITICIANS

Coroners are selected for their ability to control votes. It is not customary for them to possess any familiarity with law or medicine. The present incumbent of the office was formerly a member of the city council, and his predecessor was a sawmaker by trade. The members of the coroner's staff are chosen by him on the basis of their political activity, without any sort of test to determine fitness for the work assigned to them. The chief deputy and the coroner's detective are ward leaders, while the chief clerk, the nine district deputies, and two persons connected with the city's morgue all control their respective divisions. The laws of Pennsylvania provide for the selection of employees under civil service regulations in cities of the first class (a circumlocution for Philadelphia); but court rulings have practically nullified the civil service laws as applied to a number of important departments.

Philadelphia is a consolidated city

and county. Some of its officers serve the city of Philadelphia, and some, the county of Philadelphia. The area of the two units is the same; the populations are identical. The distinction would be of little or no significance but for the odd fact that the merit system must be used in selecting city employees, while no such requirement exists concerning county workers. About fifteen years ago the city treasurer employed a stenographer without complying with the civil service regulations for cities of the first class. His right to do so was upheld by the superior court, which declared in part: "It must be conceded that the office designated as city treasurer is a county, and not a city office."[1] It would seem from this decision that Philadelphia has no city treasurer. And yet its charter provides in great detail for such an office, and lays down numerous requirements concerning it. What effect such requirements have on the county treasurer is problematical.

As may well be imagined, the county offices are a veritable spoilsmen's paradise. Many an earnest division leader who knows far more about vote getting than double entry bookkeeping has been rewarded with a lucrative position in the county's service. It is not at all uncommon for a man dismissed from the city's employ to find a haven in some county office, where such distracting terms as "efficiency" and "merit" are unknown. Such a shelter is the coroner's office, for the coroner serves the county of Philadelphia, and not the city. That is why so many of those connected with the coroner are ward or division leaders or workers. The number will doubtless be still larger in a short time, when a newly elected coroner takes office. The present coroner was appointed by the governor to fill a vacancy caused by death, but his term will expire before this article leaves the press.

THE CORONER'S STAFF

The coroner's staff, exclusive of those connected with the morgue and potter's field, consists of about twenty-five persons, eight of them engaged in work of a clerical nature. Under the law inquests must be held in all cases of death by violence, and of sudden death, if no practicing physician was in attendance. Notice of such a death, whether given by the police or by a friend or neighbor of the deceased, sets in motion the machinery of the coroner's office. There are nine deputy coroners, each assigned to a different section of the city, and the first step is a visit by one of the deputies to the scene of the death. The skill with which these men perform their task of collecting the essential facts of each case as soon as possible after death determines in large measure whether responsibility will ever be fixed with any degree of accuracy. The deputies are division leaders who have shown particular aptitude for vote getting; if they also display some ability for serving the public, so much the better —but this is not essential. The salaries paid are too small to attract high grade men, and the county gets just about what it pays for, or a little less.

There is a special murder squad of three members which investigates all cases known or thought to be homocides. This work was formerly carried on through an investigation bureau. Its chief, for whom the position is said to have been created to repay political obligations, received $2,000 annually from the county treasury for his arduous work of supervision. Under the régime of an appointed coroner the post of investigation bureau chief was abolished. The three detectives now report directly to the coroner. Two of them are division leaders.

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[1] Bonnell v. Philadelphia., 48 Penna. Superior Ct., 456 (1912).

In a little more than one-fourth of the cases autopsies are performed. This work is done by three physicians regularly connected with the coroner's office. They are not involved in local politics. Considering the salaries paid them, they are in all probability reasonably efficient. But the salaries are pitiably small. The best paid of the three physicians receives only $3,500 a year. For a total outlay not in excess of $10,000 Philadelphia expects to receive the full-time services of three men skilled in medicine and surgery, specialists in anatomy, biology, toxicology and botany, and familiar at least to some extent with law. It is no reflection upon the present members of the coroner's medical staff to say that they fail to meet all these stringent requirements.

THE CORONER'S JURY

It has already been pointed out that the actual determination of the cause of death is made, not by the coroner and his assistants, but by a jury chosen for the purpose. The coroner's jury is composed of six men, whose verdict must be unanimous. Failure to agree results in the choice of a new jury. A list of applicants for jury duty is kept on file, and jurors are chosen from this list. The pay is one dollar a day, and no allowance is made for mileage when the jury is taken to view the body. Since jurors are seldom given the opportunity to view the body, failure to pay expenses works no hardship.

A description of the men who constitute a typical coroner's jury may well be omitted. It is sufficient to point out that they are looking for employment which requires no exertion, either physical or mental, and which pays one dollar a day. At a recent inquest one of the jurors is said to have been blind, and another, over ninety years of age. Such is the group of "good men and true" which weighs scientific evidence and passes upon questions of a highly technical nature.

THE CORONER'S COURT

The coroner's court is arranged after the manner of a regular courtroom. The coroner sits as a judge, with the jury of six in its box at his right. There is a witness stand for the giving of testimony and a table at which two stenographers sit while they report the cases. Even counsel may be present. The coroner has authority to compel the attendance of witnesses, and he makes use of this power freely. After each witness is sworn in he is questioned by the coroner, who attempts to bring out as clearly and concisely as possible the essential points of the testimony. The district deputy and the physician assigned to the case submit their evidence. It is worth noting that the physician is the only participant in the inquest who could by any stretch of the imagination be called an expert, and the jury is made the judge of the worth of his testimony.

Meanwhile the jurors lapse into somnolence. Occasionally one rouses himself with a start, only to sink again into blissful oblivion. After a time all the evidence is heard, and the coroner gives his charge to the jury. He may instruct the jurors as to the law, but not as to the facts. Then comes the jury's verdict, which is usually rendered without leaving the box. The verdict is formally entered in the record, and the farce has been completed.

CORONER SYSTEM SLIPSHOD AND INEFFECTIVE

Any person contemplating the present system, with its manifold absurdities, wonders why it is still tolerated in one of the largest cities of the United States. Determination of the cause of death is a problem which baffles experts in many a case; yet in Philadelphia, as in most cities, the matter is decided by a jury of unkempt laymen whose ignorance is exceeded only by their indifference. They are assisted in their task, involving a comprehensive knowledge of medicine and law, by district deputy coroners whose main function is to get votes for the Republican organization, by three physicians whose ludicrously small salaries are a sufficient measure of their fitness for the work, and by a coroner who instructs them as to the law, of which he has no knowledge.

The entire system has but one redeeming feature. The verdict of the jury has no legal effect whatever. A person suspected of having caused another's death may be arrested and tried for the alleged crime, even though the coroner's jury finds that the death was due to natural causes. Or no arrests may follow the jury's verdict that death was due to violence. Such is not usually the case, however. The coroner's office co-operates with the district attorney and the police department in attempting to bring criminals to justice. Occasionally persons are committed to await the action of the grand jury. But the entire inquest is merely in the nature of an investigation, and a more slipshod and unscientific method of examining complicated facts and securing technical information can scarcely be imagined.

SOME STEPS TOWARD REFORM

Massachusetts pointed out the path of reform nearly half a century ago, when the office of coroner was abolished and provision made for medical examiners appointed by the governor. But the movement has made little progress. In nearly every state the antiquated coroner system still flourishes. Three or four states have followed the lead of Massachusetts and substituted medical examiners for coroners. Juries have been abolished in Indiana, in California a number of cities have combined the offices of coroner and district attorney, and in a few states the coroner has been made an appointive official; but even these modifications of the customary procedure are so unusual as to occasion comment.

The story of the medical examiner and his work since he replaced the coroner in New York City has already been told in the pages of the REVIEW.[2] There are few who question that a similar change in Philadelphia would greatly improve this phase of the city's (or county's) administrative work. (It is to be hoped that the office of medical examiner, if created, would be made a part of the city and not of the county government, thus bringing it under civil service regulations.) There are few who doubt that the coroner system has long outlived its usefulness. But there are still fewer who care. It is difficult to arouse popular enthusiasm over a change in administrative procedure. And so the coroner's office remains, basing its findings on ignorance and prejudice, providing a safe refuge for nearly a score of political workers, but assured of a long tenure by the indifference of the people.

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[2] August, 1920, and October, 1924.

MUNICIPAL AIRPORTS

BY CHARLES WHITNALL

Secretary, Board of Public Land Commissioners, Milwaukee

This article discusses municipal airports in the light of the recent and rapid development of air transportation. :: :: :: :: ::

RAPID as has been the advancement of aviation, it is still in an experimental stage from the standpoint of an economic carrier of passengers and freight. If aviation, as a means of transportation, is to advance no further than present-day development, it is doubtful if an expenditure of large sums of money would be advisable; but if, on the other hand, the art of flying is to continue to improve in the future as it has in the past, an airport will not only be desirable, but a necessary adjunct to any city's transportation facilities.

GROWTH OF AVIATION IN THE UNITED STATES

The practical development of the "flying machine," by Professor Langley and the Wright brothers, in 1903, marks the beginning of a new era of transportation. The further development of this new art progressed at a slow rate until the outbreak of the World War in 1914. The possibilities of the airplane as a fighting unit were soon realized, and from that time until the present, tremendous advances have been made. The number of airplanes increased from a meager half dozen in 1916 to over four thousand in continuous use in 1924.[1] With this rapid increase came a correspondingly rapid increase in obsolescences, rendering those planes which were once used for training and fighting unfit for military use but still satisfactory for other types of flying. This condition, together with quantity production, has placed the cost of an airplane within the economic reach of a vast number of people.

The remarkable results achieved by the airplane during the World War so established the practicability of using the plane as a carrier of passengers and freight that a corporation was formed in 1922 for the transportation of passengers between Detroit and Cleveland.[2] This field of service was enlarged to include the mail service, and later, in 1925, freight service. On May 1, 1925, there were two air mail routes, one between New York and San Francisco and the other between New York and Chicago.[3] A short time later, a freight line was established between Detroit and Chicago,[4] and several corporations are being formed to add to this system of transportation.

DEVELOPMENT OF AIR TRANSPORTATION IN EUROPE

Beginning with the same incentive, the World War, air transportation in Europe has increased at a much more rapid rate than in the United States.

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[1] "Aircraft Year Book," 1924, published by Aëronautical Chamber of Commerce of America.

[2] "An Introduction to the Economics of Air Transportation," by Thomas H. Kennedy, 1924.

[3] Post Office Department official publication of May, 1925.

[4] "Henry Ford Has Started His First Regular Flying Machine Route," an article in *United States Air Services*, May, 1925.

Two and one-half hours in an airplane will carry one from Paris to London, thereby saving five and one-half hours over the old method of transportation. In the five years, ending December 31, 1924, European transportation lines had flown over twenty-eight million miles.[5] Airplane service in France has grown from one thousand voyages in 1919 to thirteen thousand voyages in 1924, in which year they carried over sixteen thousand passengers and merchandise aggregating 2,500,000 pounds.[6] The *Aëronautical Digest* states: "The quantities of goods being transported on the London-Cologne route have greatly increased. Packages actually awaiting transport would easily fill four railroad cars and as fast as consignments are taken away, so fast do full loads arrive. To give an idea of this volume of traffic, I need only mention that the other day there were thirty complete motorcycles, some with side cars, and seven tons of tobacco, waiting to be carried to Cologne."

NEED FOR MUNICIPAL AIRPORTS

The growth of commercial air service has been slower than other forms of aviation, but even this slow rate of increase is making itself felt in a demand for landing fields. It would seem that the time is not far distant when those cities having adequate landing fields will reap a large commercial business, and with it the advantages of quicker deliveries and a consequential saving in cost. The transportation of passengers by means of airplanes, in Europe, has been so successful, even under adverse conditions, that it is to be expected it will meet with even greater success in America, where distances are greater, resulting in a correspondingly greater saving in time.

Transcontinental air mail service has been in effect for some time, and this system of mail delivery is rapidly spreading to other parts of the country. The development of municipal airports suitable for the landing of freight, passenger and mail planes, should materially add to the convenience, economic and general prosperity of the various communities.

NUMBER OF EXISTING AIRPORTS

A report published by the Air Service on March 1, 1924, shows there are 2,850 airports located in forty-eight states and the District of Columbia.[7] Eighty of these airports, located in the larger cities, range in size from two acres in Seattle to one thousand acres in Cleveland. The average distance from the center of the city is 4.6 miles, except that those rated as A–1 fields are generally from four to fifteen miles from the downtown district, which distance is probably due to the excessive cost of securing adequate space in the central business district. Of the 80 airports, 41 are municipally controlled, one privately controlled, 32 controlled by commercial corporations, one jointly by the municipality and private interests, and four by the municipality and commercial organizations. There are railroad facilities to fifteen, rapid transit or street cars leading to nine, and busses to one.

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[5] From a speech by Maj. Gen. Mason A. Patrick, Chief of Air Service, before Chicago A. of C., June 3, 1925, in *Chicago Commerce*, June 6.

[6] Editor's page, *Chicago Commerce*, June 6, 1925, official publication of Chicago A. of C.

[7] "Air Service Information Circular," published on March 1, 1923, by Chief of Air Service, Washington, D. C.

The 1924 Aërial Map, compiled by the U. S. Air Service, shows 201 municipal landing fields in the United States. California leads with 24 municipal landing fields; Georgia and Texas have 15 each; New York comes fourth in the list with 13 city owned fields; Florida has 10; Washington, Nevada, Kansas, North Carolina and Pennsylvania each 8; Montana and Oklahoma 7; the rest, with the exception of seven states, have one to five municipal landing fields. The same map marks 187 strictly commercial aëroplane fields in the United States. The municipalities have but eleven more fields than private organizations.—From "Darius Green and His Flying Machine," by R. E. Gossage, in *Municipal Reference Library Notes*, January 7, 1925.

REQUIREMENTS OF AN AIRPORT

There are three primary requirements in the selection of an airport. They are (1) size, (2) transportation, and (3) location.

The size of an airport is the most important feature to be considered, as it is the length of the runway a plane uses in rising or landing that determines the availability of the field for different types of planes. In rising, an airplane must head into the wind, attain a speed varying from forty to eighty miles an hour on the ground before rising may be attempted. The lighter machines attain this speed rapidly and can, under favorable conditions, leave the ground in from 400 to 800 feet. The heavier planes, those used for freight, mail and passengers, require, under favorable conditions, a distance of from one to two thousand feet before leaving the ground. In addition to the space required on the ground, it frequently happens that the motor stalls immediately after rising, necessitating landing at once. To provide for this emergency, another thousand feet is necessary. A total, therefore, of from 2700 to 3000 feet is the minimum length of runway, to accommodate all of the now existing types of planes. In rising or in landing, an airplane makes an angle of approximately eight degrees with the horizontal, or for each foot of rise it moves forward seven feet. If there should be a one-hundred-foot building at the edge of the field, it would render seven hundred feet of the field useless. The minimum distance mentioned (2700 to 3000 feet) for a runway must, therefore, be increased by seven times the height of any buildings on the edge of the field.

Governmental authorities inform us that to accommodate planes in all winds, a clear field 3,000 feet square should be required.

Transportation to and from the airport is the second most important consideration. If a field is adequately to serve a city, freight and passengers must have easy and quick access to it. It is essential, therefore, to be on or near a main paved highway. Automobiles or busses may carry the people back and forth, and trucks will be able to collect the mail and freight. If, however, the airport has railroad facilities, much highway congestion will be relieved and freight will be more easily and cheaply distributed to the various smaller villages and communities.

As the port increases its activities, many planes will be shipped to it for assembling, much as automobiles are now shipped for sale and distribution. The railroad is the only transportation facility able to meet this demand. If aviation is to grow in popularity, its achievements must be known, and while the automobile transports large numbers of people to the airport, there is a much larger number of people who do not own automobiles, yet who would be interested in the incoming and outgoing of planes, if convenient means for their transportation to the field were provided. Rapid transit or street car accommodations are, therefore, a great help in popularizing this new form of transportation.

The third requirement of an airport is its location. The prevailing opinion is that an airport like other public features should be in the heart of the business district or close thereto, but the growing feeling among city planners is to locate these features rather in the outlying distribution centers, thus decentralizing the elements of the city plan and thereby relieving congestion in the present business district. Notwithstanding this new trend, to secure a location adjacent to the business district, accessible to land and water aircraft as it might be, it is almost always impossible of accomplishment at a price which the community can afford to pay. The question resolves itself into one of compromise. In order to accommodate all types of planes, the field must be 3,000 feet long in the direction of the prevailing winds, and without high buildings on the boundaries. There must be transportation facilities. If these conditions cannot be met in the heart of the city, the field must be located out of the business district, but as near thereto as the essential requirements may be obtained. A distance of four to five miles will usually satisfy the requirements of size and transportation, yet that distance is such that fifteen to twenty minutes is all that would be required to reach the field, either by automobile, bus or street car.

There are many minor factors that must also be considered in the location of an airport other than those mentioned. The land must be level, as hills or irregularities are dangerous to the flyers. The airport should be as free from heavy fogs and smoke as is possible, and the soil should be of such a nature as to be easily drained. There should be water, sewer, telephone and electricity convenient for use, yet so located that the wires would not be a source of danger to incoming or outgoing planes.

OWNERSHIP OF AIRPORTS

There are three general types of administration of airports: (1) private, (2) commercial, and (3) public. The first type, that of private, is so rare and useless for a city airport as to be not worthy of consideration. The commercially owned airport exists in 32 of our cities. The difficulties that usually arise under such conditions are that the first corporation developing a port chooses the most advantageous place, thus placing a distinct hardship on all planes not under the corporation's control. Also, being a commercial proposition, the field selected is especially designed for the type of plane operated by the corporation, making it undesirable and often dangerous for any other type to land.

Ownership by a municipality appears to be by far the most satisfactory method. It is to the city's interest to develop all types of flying, to encourage many different air lines to come to the city, and to concentrate them at one place as ships of various lines, and from many ports, arrive and depart at one harbor.

HOW DETROIT'S TEN-YEAR FINANCIAL PROGRAM WAS PREPARED

BY C. E. RIGHTOR

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A detailed description of Detroit's ten-year financial program and how it was prepared. Such a program is of vital importance in the financing of every city government. It is a necessary supplement to a municipal budget system. :: :: :: :: :: :: ::

Detroit, like many other cities, has experienced a substantial growth during recent years. Its records of increase in population, area, wealth, building permits, value of manufactured products, savings bank deposits, and so on, all attest to its phenomenal industrial progress.

As illustrations of the city's growth may be cited the population increase from 465,766 in 1910 to 993,739 in 1920, or 113 per cent (the officially approved census for 1925 is 1,242,044); the school census increase from 133,339 in 1914–1915 to 263,420 in 1923–1924, or 97 per cent; and the city's area during this latter decade from 42 to 92 square miles, or 119 per cent (the people have since approved additional annexations which bring the area to 139 square miles).

This expansion has had its effect upon the municipal government. Current services must be extended to accommodate the new population, and public improvements such as water, schools, sewers, paving, etc., must be furnished to the new territories. A new administration taking office in 1919, under a new charter providing for a nine-member council and a mayor with strong executive control, was confronted with tremendous problems pressing for solution and emphasized by the postponement of construction work during the war by order of the capital issues committee.

The cost of performing ordinary governmental activities in any city is usually financed from taxes, and it may be assumed that their cost would not be so large as to prove burdensome to property owners. The expense of extending permanent public improvements into outlying territory, however, if similarly financed would result in a prohibitive tax rate, as valuations usually follow rather than precede the improvement of property. The city thus finds it necessary to finance such improvements by loans.

In the issuance of bonds, the city finds itself subject to definite limitations imposed by statute and local legislation. Further, it finds a practical limit to the market for its securities—and few cities can afford to ignore the law of supply and demand in financing their major projects. Detroit markets its bonds in the eastern states, and must observe their legal requirements to assure the integrity of its securities.

Detroit invested $150,000,000 in public improvements in the five years following the close of the World War, all but $10,000,000 being financed through bond issues. It is interesting to observe that over one-half of the total expenditure was authorized by vote of the people, and, further, $32,000,000 for schools required no referendum but would have been approved if so referred.

Thus, the city found its legal debt margin substantially reduced, and its marketable bond margin near the vanishing point. And yet there remained many millions of dollars of improvements to be made, some of the projects having received endorsement by the voters, and others equally urgent not having been submitted to a referendum.

This, in brief, is the picture of the financial dilemma confronting the city officials when its improvement program was just under way, while its industrial development showed no sign of abatement. What course should the city pursue? It was proposed, by those whose intimate study of the problem had emphasized its magnitude and urgency, that either the mayor or council should authorize a study and report for the city's guidance.

Accordingly, late in 1924, Mayor John W. Smith appointed a committee of five of the foremost citizens as follows: Richard P. Joy, President, National Bank of Commerce, Chairman; John Ballantyne, Chairman of the Board, Merchants National Bank; Charles H. Hodges, President, Detroit Lubricator Co.; James S. Holden, President, The James S. Holden Co.; Richard H. Webber, President, The J. L. Hudson Company.

This committee was requested to outline a ten-year program for the city. It began its task at once, and after five months of meetings and hearings, rendered its report.

Estimates of the various departments, boards and commissions totaled $779,991,477, not including expenditures proposed for super-highways, park development, possible annexations, and contingencies which might conceivably increase the program to a billion dollars. The committee revised the program to $444,990,875, which it was estimated could be carried out within the ten years with a tax rate of $20.65 per $1000, and also as a result of its work made several minor recommendations affecting public policy.

PURPOSES OF A PROGRAM

It is recognized that cities today find themselves confronted with two distinct popular demands, one, for relief from taxation, which is accompanied by a feeling (however unwarranted) that such reduction is easily possible; and the other, for even more and better services, over and above the expansion in scope and cost of municipal activities during recent years. These demands are in direct opposition to one another, and constitute a pressing problem which our cities, some way, must solve. An invaluable service may be rendered to industries, merchants, and home owners by indicating what the tax burden may be over a definite term of years, as well as laying plans for the orderly development of the city.

Heretofore Detroit, as most cities, had planned its finances upon a year to year basis. The budget comprised the estimates of expenditure for carrying on the usual activities during the succeeding twelve months—the current operating expenses including debt charges, and ordinary equipment—also provision for some permanent improvements, as a hospital or bridge, the amount of such estimate being the probable expenditure to be made during the year, rather than the total cost of the completed project. If such improvement had received an approving vote of the people, the annual budget ignored any recognition of it.

In general, one result of this budget practice may be substantial fluctuations in the tax rate from year to year, dependent upon the extent of capital projects included. Improvements are generally not of a recurring nature, as are operating expenditures. There may be several in one year, and few in the next. To effect a stabilized rate, or better, a lower rate, as is the aim of the average elected official, certain improvement projects may be "deferred," to the detriment of the service and therefore of the citizens themselves. One department head may be shortsighted and fail to request obvious needs; another may be a ready talker or vote getter and "sell" some project not as necessary for the public welfare. Too, the ultimate cost of an improvement is usually lost sight of. So it becomes apparent that, under the prevailing custom of planning merely year by year, the best interests of the citizens are not served.

DEFINITION OF PROGRAM

The solution seemed to be the preparation of a long-term program setting forth all the needs of the city, classified in the order of their necessity or desirability, and co-ordinated with the city's ability to finance it. Such program would show the amounts needed for operation and maintenance, and for capital projects which would be listed, with their cost, and the manner of financing them. The program should have official approval, after opportunity has been given to the public to express its views and if necessary to vote upon it.

It may be questioned who should prepare such program. First thought might be that the city officials should do this, as it concerns the government, and what is "everybody's business is nobody's business." The citizens, however, are really the most concerned, as the program is designed to benefit them and their money will pay the costs. Men in office cannot in fact draft a sound plan without the co-operation and endorsement of the taxpayers. It seems, therefore, that any financial program should be drawn up by a group of citizens, either officially appointed or not, and having the co-operation of the city officials. Detroit's conclusion upon this subject appears to have been arrived at in both Kansas City and Toledo, where improvement programs were similarly prepared recently and submitted to the voters.

OUTLINING THE PROBLEM

The Detroit committee, in its approach to the problem, decided that the program should be an inclusive one, giving consideration to all the activities required to be financed by the city. Thus, the program should concern itself not only with current operation and maintenance, including debt service, but also public improvements and local improvements by special assessment. For all of these activities the citizens pay the bill, directly or indirectly, knowingly or unknowingly, willingly or unwillingly. Special and trust funds need not be considered, as the city's function here is merely that of a fiscal agent.

Of course, a program may be drafted at any time, but it should be planned to become effective at a fixed date in the future,—possibly the beginning of the next fiscal year. Thus, the estimates for operation may be based upon the latest experience, and capital items will be adjusted easily for authorizations up to that date. The Detroit program was outlined to become effective July 1, 1925, the next fiscal year, but in compiling estimates, attention had to be given, for example, to the fact that of the estimates of $22,000,000 for public lighting, $9,000,000 had already been approved by popular vote.

OFFICIAL CO-OPERATION NECESSARY

Possibly the first step in a ten-year program is to obtain the co-operation of the department heads. To assure this, the mayor addressed all officials, stating the purpose of the inquiry and requesting their co-operation. This was followed by a request that each submit his departmental estimates for the period. Some time was afforded for the careful preparation of these estimates, and for their review by the department head and the boards or commissions included. Even the independently elected board of education complied fully with this request.

PROCEDURE IN DRAFTING PROGRAM

It has been stated that a long-term financial chart should include both current costs and public improvements. The officials submitted the two sets of estimates separately. Past experience served as a guide to operating costs, and graphs of the past ten years' expenditures, by departments, proved invaluable for guidance as to these costs. The figures of operative costs were subject to the adoption of the improvement program, and it was concluded that the annual operating cost for any new project would amount to at least ten per cent of its capital cost. The estimates for operation (from taxes) were placed at $55,000,000 the first year, gradually increasing to $88,000,000. It is probably unnecessary to add that allowance is made in such computations for income-producing activities. (See accompanying table.)

ESTIMATED OPERATION AND MAINTENANCE
BUDGETS, BY FUNDS, 1925–26 TO 1934–35*

Funds	Total	1925–26	1926–27	1927–28	1933–34	1934–35
City Plan	$404,780	$38,030	$38,250	$40,000	$42,500	$42,500
Recreation	7,430,396	615,396	615,000	650,000	870,000	900,000
Health	30,683,768	2,033,768	2,375,000	2,650,000	3,700,000	3,850,000
Water	26,702,549	1,602,549	2,214,000	2,358,000	3,220,000	3,364,000
School	255,232,800	17,597,800	18,355,000	21,145,000	31,885,000	33,675,000
Sinking Fund	48,128,972	6,312,333	4,902,366	4,884,061	4,441,057	4,404,443
Etc.—all funds						
Total	$847,935,128	$64,909,367	$66,929,198	$72,426,988	$101,975,466	$107,118,310
Less:						
Earnings and Credits	$150,020,308	$9,557,688	$12,485,620	$13,266,000	$17,946,000	$18,726,000
Net Total	$697,914,820	$55,351,679	$54,143,578	$59,160,988	$84,029,466	$88,392,310

*As this table is merely illustrative of form, the years between 1927–28 and 1933–34 are omitted.

The operation estimates are particularly necessary in computing the margin available from taxes to finance improvements, at any given tax rate and valuations for the term of years. Assuming an annual increase in assessed valuation of $225,000,000, and a tax rate limited by charter, the balance after meeting operating costs was available for improvements.

The chief emphasis in considering the program here, however, is upon the capital items, as maintenance costs are fairly well determined and stable, while the city is not committed to the improvements set forth by department heads.

CAPITAL IMPROVEMENT PROGRAM

After these estimates were received by the committee, they were tabulated by departments, the several projects and their cost being listed separately. The committee then computed the total of the tentative program, and outlined the manner in which it might be financed.

One of the most difficult phases of the committee's task was experienced at this stage, in listing the improvements in the order of their relative public necessity and desirability. It is obvious that public health, sanitation, water, and safety would come first, but continuing down the line with education, transportation, street lighting, and in fact everything from art to zoo, was not so easy.

After this task was done, at least tentatively, the committee was ready for conference with the officials upon their individual estimates. A statement was made of the financial problem confronting the city, showing the range of improvements, their aggregate cost, the manner of financing them, and the effect upon the tax rate. A tentative tax rate of $20, designed to meet popular approval, was established, and the resultant amount of reduction necessary in the program indicated.

At this stage, various public and private groups and individuals were invited to attend the committee's hearings, and the board of commerce and other organizations and groups which had given extended thought to the city's financial problems stated their views.

MANNER OF FINANCING

A program involving all departments of a city, each with its particular class of improvements and betterments, may be financed from several sources—taxation, bond issues, departmental revenues, and special assessments.

In planning the revenue side of the budget, the local laws governing the availability of funds from each of these sources must be considered, in order to conform to the limitations established by statute or charter. Tables setting forth the city's financial condition with respect to each of these were before the committee.

It was not difficult to compute the margin available from taxation, at any given rate, after providing for all operating and debt charges. Usually the margin will be so small that it will be necessary to resort to other sources of revenue, as was the case with Detroit. That such tax limits are probably unsound affords no actual relief.

What tax rate will be fixed tentatively will depend not alone upon the legal limits for various purposes. It will depend also upon what rate such committee believes property owners will pay without being discouraged in promoting industry and home ownership. Furthermore, it will depend upon whether the committee favors the pay-as-you-go principle as against deferring the cost through borrowing. It may be deemed expedient to apply this principle at least in part, say for outlays of a recurring nature, although this was not done in Detroit.

It should be noted here that careful study should be made estimating the assessed valuation of taxable property over a long period. Undue increases arising from possible annexations, for example, should be taken into account only in event the improvement program provides for the extension of municipal services into those territories. What is the present tendency in assessing at full market value; and will the past rate of building construction continue? These problems were carefully considered by the Detroit committee.

It may be assumed that the primary source of revenue to finance an improvement program will be through the sale of bonds. Here, again, the statutory limitations for the several purposes must be taken into consideration. In this connection, it should be added that if the bonds are to be marketed in the eastern financial centers, the limitations imposed by those states upon the investment by savings banks and other institutions (in New York, 7% of a city's valuation) must be observed. These foreign limitations may be more restrictive than the local limits, as in the case of Detroit, and to exceed them would impair the city's credit.

In some states, special assessments may be availed of rather extensively as a means of financing certain improvements. This source of revenue was proposed for street widenings, rapid transit, etc. It need only be stated that every city should give consideration to this source of revenue in any such planning, as it seems to afford a fertile field of revenue which has not been fully availed of in the past.

The fourth source of revenue is that of departmental earnings, for certain revenue-producing enterprises and departments, and requires no extended discussion.

REVISION OF ESTIMATES

The means of financing each item of the program were set out opposite the item, and a ten-year distribution made. With this information, the committee had before it the data to discuss and determine a program for the city, department by department, and item by item, that would meet the practical as well as legal financial requirements of the city. In other words, as reductions were made on the expenditure side of the ten-year program, offsetting reductions on the revenue side were made, until the limits upon taxes and bonds were met. A leeway of 10 per cent of the bond margin under the New York law was left to meet unforeseen requirements and afford a safe margin under all statutory limitations.

Thus, a revised program was evolved by the committee, showing, as in the case of the original estimates, the several improvement projects, their cost, and the means of financing them. (See accompanying Table.) This was accompanied by a statement of the probable tax rate during the decade, were the program to be consummated in ten equal allotments.

OFFICIAL ACCEPTANCE DESIRABLE

It will be recognized that a ten-year program prepared in a manner similar to the foregoing would represent only the collective opinion of the committee, possibly reinforced by the endorsement of other citizens or citizen groups. It would have no official sanction.

The program as recommended was transmitted to the mayor, who referred it to the council, and gave it appropriate publicity. As with the annual operating budget, this program should be set for public hearings, and, as revised ultimately by the responsible public officials, be formally adopted as a guide to the public improvements to be made, although such action has not been taken in Detroit. Those issues requiring an expression of the electorate would be presented for their action at election time.

CONCLUSIONS

An initial experience in the drafting of such a financial plan for a term of years suggests the desirability of its revision from time to time. Numerous conditions will be found to exist which preclude the drafting of a definitely fixed program for a city for a long period. The population and area to be served over a ten-year period cannot be definitely determined; the desires of the people will create new and unforeseen needs, and anticipated requirements may be found unnecessary; legislation may change the basis of taxation and the laws respecting tax limits, bond issuance and bonding limits, etc.; all of which will have an immediate

ANNUAL BUDGET OF REVISED IMPROVEMENT PROGRAM
BY DEPARTMENTS AND METHOD OF FINANCING

Department	Method of Financing	Total Improvement Estimates As Revised by Committee	To Be Financed In Years **			
			1925–26	1926–27	1933–34	1934–35
Health	Bonds*	$4,000,000	$1,500,000	$1,500,000	$250,000	$250,000
	Taxation	500,000	250,000	250,000		
	Total	4,500,000				
Parks	Bonds	2,500,000	150,000	150,000	400,000	350,000
	Taxation	5,000,000	200,000	200,000	700,000	700,000
	Total	7,500,000				
Recreation	Bonds	1,964,000	150,000	150,000	400,000	314,000
	Taxation	230,500	56,000	30,000	10,000	4,500
	Total	2,194,500				
City Plan	Bonds	12,384,776	1,000,000	1,000,000	2,500,000	2,611,776
	Taxation	8,066,238	6,508	95,933	1,096,208	1,304,150
	Special assessment	42,603,043	4,260,000	4,260,000	4,260,000	4,260,043
	Total	63,054,057				
Etc., for all departments						
Grand Total	Bonds—gen.	$214,959,564	$30,670,000	$19,531,500	$28,528,300	$29,437,876
	Special assessment under 7 per cent New York Law	18,078,043	4,260,000	3,195,000		
		$233,037,607	$34,930,000	$22,726,500	$28,528,300	$29,437,876
	Water bonds, not subject to 7 per cent Law	58,153,000	17,000,000	8,000,000	2,000,000	8,000,000
	Special assessments (to mature)	45,450,000		1,065,000	7,260,000	7,260,000
	Dep'tal revenues	10,085,000	963,500	953,500	1,653,500	1,653,500
	Taxation	98,265,268	6,358,008	6,569,598	8,708,126	9,348,771
Total Revised Program		$444,990,875	$59,251,508	$39,314,598	$48,149,926	$55,700,147

* Note: $3,000,000 bonds authorized by vote of people, April 4, 1921.

**As this table is merely illustrative of form, the years between 1926–27 and 1933–34 are omitted.

effect upon the program as originally outlined and recommended.

The results of a representative group of citizens serving upon a committee having for its purpose the drafting of such a program are salutary both to the city and themselves. Many circumstances affecting the city's finances and welfare are brought to light, with the result that changes are recommended whenever they are deemed desirable. These proposals may affect the organization policies, personnel, and in fact every phase of the city's financial and business practices, which if adopted would be permanently reflected in the economy and effectiveness of the public service.

THE INTERCITY MOTORBUS IN KENTUCKY

BY JOHN J. GEORGE, JR.
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This article discusses the regulation of motorbus transportation in Kentucky. The growing importance of the subject is stressed. :: ::

THE magnitude of motorbus transportation in Kentucky warrants some inquiry into this recently developed, rapidly growing business. Attention here will be given to only those passenger motorbus lines operating between fixed points, and not to lines operating entirely within a municipality.

Three hundred and twenty-four bus lines have been authorized to operate; some 500 buses are in service. To keep these going requires from 700 to 1000 employees. The buses traverse 3,500 miles of the public highways; run 30,000 miles daily and carry from 5,000 to 6,000 passengers daily. No figures for total value of equipment of the bus lines are available, but a conservative estimate puts the value of property devoted to motorbus transportation at $1,500,000.

A few of the intercity motorbus lines in Kentucky are also interstate. The regulation of these as agencies of interstate commerce is of special interest to the student of state-federal relations. Under United States Supreme Court decisions handed down early in 1925,[1] the state may establish uniform requirement for motorbuses, interstate as well as intrastate, operating on its highways; a graduated license fee imposed on motor vehicles engaged in interstate commerce is not "a direct burden on such commerce." State regulations for promoting safety and conserving the highways as applied to interstate motorbus transportation are valid so long as the regulations are not unreasonable. But the commerce clause forbids the obstruction of this interstate commerce.

PUBLIC CONTROL

Public control of intercity bus business is centered in the state highway commission; but the auto-bus transportation department, a division of the commission, exercises immediate power of supervision. Motorbus legislation lays down general provisions, leaving the commission powers of discretion in regard to details. Other agencies concerned in the public administration of this activity are the county clerk, the federal internal revenue collector, and the courts. How these agencies assist in administration can be illustrated by the process of establishing a bus line, and the operation thereof.

The individual (or group) who wishes to operate a bus line between fixed points applies to the commission for a permit. If there is no bus service on the route named in application, the petitioner is most likely to get the permit. If there is already bus service on the route named, the permit will be issued provided public convenience and necessity warrant such. In other words, a permit is not exclusive; herein the factor of competition is recognized and protected. For example, between Lexington and Cincinnati two through lines are operating, and at each end of the route two "local" lines. Three through bus lines operate between Lexington and Frankfort, along side the electric line.

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[1] Michigan Public Utilities Commission *vs.* Duke, decided January 12; Buck *vs.* Kuykendall, decided March 2.

FEE FOR PERMIT TO OPERATE

The fee for the permit depends on the seating capacity of the bus the petitioner proposes to run. For a motor vehicle having a capacity of not more than five passengers, the fee is $2.50 per seat; six to seven passengers, $5 per seat; eight to twenty passengers, $10 per seat; above twenty passengers, $15 per seat. The law allows no motor vehicle of more than thirty-passenger capacity to run on the highways, and no greater load than 10 per cent above seating capacity. The permit is good for the calendar year, and is renewable at the end of the year if the holder has complied with statutory and regulatory requirements.

The permit secured, the bus line must have its vehicles registered (just as does the owner of a private automobile) with the county clerk, who issues the license plates. By the law of March 27, 1924, motor vehicles above seven-passenger capacity are classified as trucks; the registration fee is graduated according to weight of vehicle. A thousand-pound truck, for example, must pay a fee of $20; the fee ranges upward to $215 for a 10,000-pound truck, plus $20 for each additional ton above the 10,000 pounds.

Persons operating passenger automobiles for hire must pay to the United States internal revenue collector an annual tax based on seating capacity of vehicle. A vehicle of from two to seven-passenger capacity pays $10; above seven-passenger, $20. It is said that the fees for permit, for registration, internal revenue, and all other taxes on the average motor bus total $529.

Bus drivers are licensed by the county clerk who issues chauffeur's badges, which are easy to obtain, the only requirement being that the applicant be recommended to the clerk by two persons who have known applicant for sixty days, and payment of fee of $1; the license is good for one year.

STATE REGULATIONS

In addition to authorizing the commission to issue permits, the law of 1924 empowers the commission to supervise auto-bus companies, to determine rates of fare, to require reports whenever and on whatever phase of relationship between the public and the company the commission sees fit; and to issue rules and regulations consistent with law. Failure of company to comply with these rules is ground for changing, suspending, even revoking the permit. In the revoking of a permit, as in deciding any motorbus matter over which the commission has authority, the decision of the commission is not necessarily final; appeal lies to Franklin County Circuit Court, thence to the Court of Appeals, the highest court in Kentucky. Resort to the court is rare: 99 per cent of the cases before the commission are settled without going to court. This speaks well for the commission as a quasi-judicial agency.

SAFETY REQUIREMENTS

No special safety requirements have been specified by law; but the commission has directed that buses stop at railway crossings. Motorbus lines are not required to furnish liability insurance or bonds. Serious injuries, though, are very unusual. In the eighteen months beginning June, 1924, only three people have been killed, and in each instance the bus driver was exonerated. Two of the three deaths resulted from a wreck with the bus, but the driver of the car, himself seriously injured and dying later, signed a statement that he, and not the bus driver, was responsible for the accident. Claims for damages against the bus lines are rare. In only one case has the claims for damages had to be taken to court. This is remarkable in view of the fact that the bus lines carry something like 2,000,000 passengers a year.

In rate fixing, the commission uses as a basis chiefly the number of miles traveled and condition of highway over which the bus runs. Rates are not fixed for a definite period, but are subject to change to meet conditions. At present the rates range from 2.5 to 8 cents per passenger-mile, the average being about 3.2 cents. A conservative estimate places the amount of fares collected in the state by intercity lines at $7,500 daily.

SUGGESTED LEGISLATION

The supervisor of auto-bus transportation favors legislation providing as follows:

1. That permits be indeterminate, but revocable on failure of holder to comply with laws and regulations.[1] Such a change would relieve the administration of the annual burden of renewing permits.
2. That a permit granted must be acted on in a bona fide manner within sixty days as a pledge of good faith. This proposal would prevent the preemption of establishing a given line till the holder of permit finds circumstances more convenient.
3. That if holder of permit abandons the operation of a bus line for more than thirty days, he thereby forfeits the permit, unless the commission should rule otherwise.
4. That all bus drivers be examined in regard to intelligence, moral qualifications, and mechanical knowledge.
5. That motorbuses carry an extra tire and skid chains; also that motorbuses stop at all railway crossings.
6. That speed limit on highways be raised from thirty to thirty-five miles an hour, the municipalities to be free to prescribe lower speed in their limits if they desire.
7. That idemnity bonds and insurance be required of bus lines.

As Associate Justice McReynolds said in case of Buck *vs.* Kuykendall, "extraordinary difficulties" are arising from the rapidly increasing motorbus transportation, "and as yet nobody knows definitely what should be done." This situation obtains in Kentucky. Proper public control can proceed only on adequate information on the various phases of the bus business. While the law of 1924 gives the commission power to require annual and special reports on such important matters as total capital invested, annual volume of business, and valuation of property of motorbus lines, there are available no comprehensive data. Since for 27 years the rule of law in the United States has been that public service companies are entitled to a "fair return on fair value," it is imperative that fair value of motorbus property be determined in order that rates reasonable to both bus lines and to consumers be established. Here is the basic problem in motorbus regulation. Data on volume of business, cost of service, and the like can be secured by use of the power already given the commission to require annual and special reports from motorbus companies. Getting reliable data on valuation and instituting systematic reporting on the various phases of motorbus activity will serve as the basis on which an enlightened, effective regulation of motorbus transportation can be established.

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[1] The revocable permit for public service companies became operative in Oklahoma July 10, 1925; total of nine states now have revocable permit. See *Public Service Magazine*, August, 1925, pp. 52–3.

CRIMINAL RESPONSIBILITY FOR STATEMENTS IN RECALL CHARGES

BY SAM B. WARNER
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A discussion of the prosecutions for criminal libel in connection with the recall elections in Kelso, Washington. :: :: :: ::

FOR over a year a bitter political battle has been raging in the city of Kelso, Washington. The leaders of the opposing factions have had to defend themselves from civil suits as well as from criminal prosecutions ranging from prosecutions for murder to mere neglect of official duty. Numerous recalls have done their part to augment the bitterness of the struggle. Mayor Todd faced the recall four times before he was finally deposed. But this mêlée, though vital to the citizens of Kelso, would scarcely be of general interest were it not for one criminal prosecution in which the decision turned upon the liability to prosecution for criminal libel of the signers of the charge preliminary to a recall petition. It is this case and its bearing upon recall elections, which it is the purpose of this article to discuss.

Fourteen citizens of Kelso filed with the city clerk a charge for the recall of the city attorney. The charge read:

> Said . . . (city attorney's name) has entered into a conspiracy with the violators of the liquor laws of the state of Washington, the United States of America, and the ordinances of the city of Kelso, as evidenced by his determined effort to keep a police force which has proved totally incompetent of enforcing the laws, and which he knows to be protecting immoral women, bootleggers and gamblers within the city of Kelso. That he has committed many acts of misfeasance and malfeasance while in office to obstruct and prevent the executive officials of Kelso from performing their duties in violation of his oath of office.

The city attorney got the prosecuting attorney of Cowlitz County, the county in which Kelso is situated, to file an information in the circuit court against these citizens for libel. The defendants were arrested and thrown into jail. Some retracted the charge and were released, others were released on bail, but several declined to furnish bail and stayed in jail pending trial.

Counsel for the defendants demurred to the information on three grounds:

1. That the information does not state facts sufficient to constitute a crime under the laws of the state of Washington.
2. That the acts charged as criminal in this information are privileged.
3. That the acts charged in the information constitute a political, and not a judicial, question for determination, and that the court has no jurisdiction over the same.

The judge sustained the demurrer on the first two grounds, but said that he was uncertain about the third and that it was unnecessary to pass upon it.

The defendants were thereupon released and the recall petition was circulated, though the state appealed, as it is permitted to do in such cases in Washington. So it is possible that the Supreme Court of Washington may be called upon to pass on the criminal liability for libelous statements in recall charges. But it is more than likely that the criminal prosecution was brought in the hope that it would deter people from signing the recall petition and that now that the recall is over, the prosecuting attorney will not be sufficiently interested in settling the legal question involved to push the case.

STEPS IN RECALL PROCEEDINGS

Two distinct steps are necessary to effect a recall election in Washington. First, a charge must be made, signed and verified against the elective official whose removal is desired and filed with the proper officer, who in this case was the city clerk. Second, after the charge is filed, a petition must be drawn up by the officer with whom it is filed, and circulated for the signatures of a certain percentage of the legal voters. When sufficient signatures have been obtained, the petition is returned to the officer with whom the charges were filed and used as the basis for authorizing the recall election.

The present case arose solely on the charges and involves as defendants only those who signed and verified them. It in no way involves those legal voters who may have signed the subsequent recall petition. It is conceivable, though not probable, that the courts might hold the signers of the charge for criminal libel, when they would not hold the signers of the recall petition, on the ground that greater care in investigating the truth of the accusations should be taken by those few citizens who draw up the charge than could be expected of the large number of citizens who sign the recall petition at the request of some circulator. But the court made no such distinction in the present case and no court ever has made such a distinction. Whether such a distinction should be made or not, if the court was correct in not holding the signers of the charge answerable for statements in it in a prosecution for criminal libel, then obviously the signers of the subsequent recall petition would not be liable.

LIBELOUS CHARGE

The charge in the present case is clearly libelous. It accuses the city attorney of malfeasance in office and the violation of his oath of office, if not also with a crime. The natural tendency of such a charge would be to expose the city attorney to hatred, ridicule and contempt, and to deprive him of the benefit of public confidence and social intercourse, as well as to injure him in his profession as a lawyer.

There are at least two reasons why the charge contained a libel. First, it would undoubtedly be difficult to get signers for a recall petition if the petition stated that the person whose recall was sought was an honest and able public servant, but the signers thought he had best be recalled. People feel that unless a public servant has committed a crime or something very close to it, he should not be recalled. Second, the Washington recall statute differs from that of most states in providing that no official can be recalled unless charged with misconduct in office.

When the judge sustained the demurrer on the ground that the libelous accusations made in the recall charges were privileged, he necessarily held that they were absolutely privileged, for if they were only partially privileged the defendants would have to make the defense that they acted without malice and believed upon reasonable grounds that their accusations were true.

If a libelous communication is absolutely privileged then the defendant is not responsible for it either criminally or civilly, even though when he made the accusation he knew it to be false and made it out of malice. If a libelous communication is partially privileged, the defendant is protected if he acted without malice and believed upon reasonable grounds that the accusations were true. In the case of unprivileged libels the defendant must prove that his accusation is true if he is to escape responsibility.

A judge while trying a case once said of one of the parties before him: "You are a harpy preying upon the vitals of the poor." The party sued the judge claiming that the statement was both malicious and untrue. But the court held that even if this were so, the judge was not responsible, because the public policy in favor of encouraging a judge to speak out boldly in the trial of cases is so great that judges must not be discouraged from speaking their minds freely by the possibility of a libel suit.[1] Similarly any speech made in Congress or in a state legislature is absolutely privileged.[2] But the law is very jealous of absolute privilege and the cases in which it is granted are very few.

PARTIAL PRIVILEGE

A far larger number of communications are partially privileged, that is the defendant is not responsible if he acted without malice and believed upon reasonable grounds that his accusations were true.[3] Such communications are those made between two or more people each having an interest or duty in the matter under discussion. The words duty and interest as here used include moral and social as well as legal duties and interests. For example, a citizen petitions the governor to remove the clerk of a court. If the citizen acted without malice and with a reasonable belief in the truth of his accusations, he has not subjected himself to either a civil or a criminal prosecution for libel, even though his accusations are false. A citizen has a social duty to petition the proper authorities for the removal of an official whom he believes unworthy. The governor, as the person who in the state in question had the power of removing clerks of courts, had an interest in receiving such petitions. Similarly a communication made to the voters concerning the qualifications of a candidate for public office is held in many states to be partially privileged, though similar statements made concerning a person not a candidate or to people not voters, would not be privileged.[4]

Since the protection of partial privilege is everywhere allowed to those who write libelous petitions to the proper authorities for the removal of non-elective officers, the same protection should be afforded to those who seek to remove elective officials by a recall. This should be particularly true in those states in which libels on candidates in an ordinary election are partially privileged. The communication is made as much between people each having an interest or duty in the matter in question in one case as in the other. If public policy requires that a person be free to give the electors his opinion of a candidate for office at an ordinary election without first making certain that he can prove the truth of his allegations to the satisfaction of a jury, it requires that the same freedom be enjoyed as to candidates at recall elections. It is as much the moral and social duty of a citizen to petition the electors for the removal of an elective official as it is to petition the person having the appointive power for the removal of a non-elective official.

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[1] Scott *vs.* Stansfield, L. R. 3 Ex. 220; Newell on Slander and Libel (4th ed.) sec. 360; 36 C. J. 1255.

[2] Coffin *vs.* Coffin, 4 Mass. 1, 3 Am. Dec. 189; McGaw *vs.* Hamilton, 148 Penn. 108; 39 A. 4; 63 Am. St. Rep. 786; Newell on Slander and Libel (4th ed.) sec. 352; 36 C. J. 1260.

[3] The authorities are divided as to whether the defendant must believe on reasonable grounds that his accusations are true. See Hodgkins *vs.* Gallagher, 122 Me. 112, 119 A. 68 (reasonable grounds necessary); Barry *vs.* McCollom, 81 Conn. 293, 70 A. 1035, 129 Am. St. Rep. 215 (contra); 36 C. J. 1218.

[4] The authorities are divided as to whether untrue statements concerning candidates are partially privileged. See Briggs *vs.* Garrett, 111 Penn. 404, 2 A. 513, 56 Am. Rep. 274; Upton *vs.* Hume, 24 Or. 420, 33 P. 810, 41 Am. St. Rep. 863, 21 L. R. A. 493; 36 C. J. 1286–7.

The defendants can, of course, in all cases defend themselves by proving that the libelous charges are true. Though originally truth was not a defense in criminal libel, it now is in almost every jurisdiction. But the fact that he has the privilege of keeping himself out of jail by proving to the satisfaction of a jury that the libelous statements contained in a recall charge or petition are true, would be small consolation to the average signer of such a charge or petition. Everybody knows that there is a great deal of hazard connected with every trial. Evidence that will convince one jury will not satisfy the next. Witnesses may die or leave the jurisdiction. They may not say the same thing on the witness stand under oath that they said in private conversation. The case may turn upon the eloquence of one of the attorneys or even upon the jury's regard for his personality and demeanor in the court room.

LIMITATIONS ON RECALL

So if the only defense open to the signers of a charge for a recall petition is that the charge of misconduct in office, which charge is necessarily libelous and in Washington must be made to effect a recall, is true, it is doubtful if many people can be found who will sign a recall charge from a sense of civic duty alone. The class of citizens who now file such charges will scarcely venture to do so. Before one could sign charges safely it would be necessary to hire counsel and have a careful survey made of the available evidence and its probable effect upon a jury. Certainly the ordinary signer of a recall petition would not sign if he thought there was a real chance of his being prosecuted for libel if he were unable to prove the truth of the accusations contained in the petition he was being asked to sign.

The recall doubtless has a certain sphere of usefulness as an expeditious means of removing from office officials who have been convicted of crime, but it is also designed to handle two other classes of cases. First, the case in which the public official has committed an act which is unbecoming a public official, but is not a crime, and second, the case in which the evidence against the official is strong enough to cause the voters to lose confidence in him and so desire his removal, but not strong enough to make it at all certain that a jury acting under the limitations of the rules of evidence would be convinced of his guilt.

If the recall is to function in the second case, the signers of recall charges, as well as the signers of recall petitions, must be protected from criminal prosecution when they believe the official guilty but are not able to prove his guilt to the satisfaction of a jury. Such protection might well be given to the signers of recall charges and petitions even in those states in which libels on candidates in an ordinary election are not partially privileged. In an ordinary election the voters may refuse to reëlect an official for many reasons other than their belief that he has been guilty of malfeasance in office. But the recall election is designed to remove only those who are guilty of improper conduct.

Further, the idea of the recall is that the question whether the official has been guilty of misconduct in office shall be tried out not in the courts, but by the electors. For the courts to deny the protection of partial privilege to libels in recall charges and petitions is for them to try the question intended to be tried by the voters. But it would not necessarily be improper for the courts to do this, if their doing so did not necessarily prevent the voters from also trying the question. But, as we have seen, the natural tendency of restricting the signers of recall charges and petitions to the defense of truth, is to limit the use of the recall to those cases in which the truth of the accusations is beyond question.

Libelous accusations in recall charges and petitions should therefore be at least partially privileged. Whether they should be absolutely privileged is questionable. As has been stated, the law is very jealous of absolute privilege, for to grant that privilege is to give complete immunity from liability for false communications made maliciously and with knowledge of their falsity. That protection is not granted to petitions for the recall of appointive officials or to statements made to the voters concerning candidates seeking election. Neither in many states are communications made to policemen, district attorneys and other officials accusing people of crimes absolutely privileged. It seems probable therefore that the judge in the case under consideration granted the defendants more protection than he was justified in giving them, when he held libelous accusations in recall charges absolutely privileged.

THE THIRD CONFERENCE ON THE SCIENCE OF POLITICS

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A résumé of the work of the third meeting of the National Conference on the Science of Politics held at Columbia University, September 7–11, 1925. :: :: :: :: :: :: :: :: ::

The purpose of the Conference as announced in the official invitation was "to unite those interested in political research in a common attack upon the problems of technique and method." One hundred and eight persons came in answer to this invitation, ninety-six of whom became regular members of the Conference. They represented twenty-three states and four foreign countries. The larger delegations were distributed as follows: New York, 21; Pennsylvania, 11; Illinois, 10; Wisconsin and Massachusetts, 7 each; Oklahoma and Vermont, 5 each; and Iowa, New Hampshire and California, 4 each. One of the unavoidable but encouraging difficulties of the meeting was that about half of the members were attending for the first time, making difficult any continuity of effort with preceding meetings, and perceptibly retarding that unity of purposes and ideals so essential to effective conference. This, however, is one of the inherent handicaps under which any movement must labor during its expanding years. The bright side of this situation was reflected in the enthusiastic response from most of those attending for the first time.

Unfortunately there were some casual visitors not interested in the problem of method and a few reformers who consistently ignored the avowed purpose of this Conference, and whose confidence in their own opinions made the slow moving methods of scientific inquiry seem not only unnecessary, but wicked impediments to the achievement of the panaceas which they offered to a worried and wearied world. In the minds of these reformers, the painstaking methodology of the scientist is simply a stupid or pharisaical excuse for refusing to enter the promised land. These reformers we have with us always, but on some occasions they are more effectively handled than on others.

Despite these difficulties and irritations which are material only in giving a glimpse of the background, the Conference stimulated some profound thinking. On every hand there was genuine concern as to whether the Conference was doing its best. The importance of devising objective methods for political research was generally admitted, although two years before much of the time of the Conference was devoted to arriving at a common consciousness of this impelling need. In order to understand and articulate the problems and doubts as they appeared to the members of the Conference, the writer has talked to as many members as possible, has read carefully the reports of the round tables, has corresponded at some length with members who had been giving it special thought, and sent out a questionnaire to all the members of the Conference. This was returned by fifty-nine.

OPINIONS ON THE WORK OF THE CONFERENCE

From these various sources of information there has emerged a striking unanimity of opinion regarding four matters that seem to reflect the work and problems of the Conference. The first point of general agreement was that there were some members—too many, doubtless—who absorbed much but contributed little. So far as this accurately reflects the situation it is significant. For unless there is a clash of carefully considered convictions, the Conference loses its vitality. A small number of non-participating observers is unavoidable and necessary. There will always be the newcomer and the member whose eleventh hour decision has prevented adequate preparation. But a substantial nucleus of those whose preliminary thought and experience have qualified them for intelligent participation is the irreducible minimum requisite to successful accomplishment.

Several of the groups have been successful in maintaining this irreducible minimum. A survey of their work points to co-operative research as the available solution of the problem. This involves the breaking up of the research problem into its constituent parts, the assignment of each part to a member of the group, and a serious piece of research by each member in applying the proposed method to his part of the investigation. Much of the round table session is then devoted to group criticism of the proposed method as illustrated in the research done. Where the subject lends itself to continuous work through two or three sessions, as is generally the case, co-operative research seems to yield its largest dividends and affords the most reliable assurance that the members will contribute rather than absorb.

The second matter that has aroused a question in many minds is the relation of method to practical problems. A number have raised the question as to whether we have not gone far enough on the matter of method and are not now ready for tackling the solution of practical problems. "We can't go on studying method forever" has been the dictum frequently uttered with an air of finality that ought to be disconcerting. While from a still smaller group of men there comes the idea that the Conference must give its time to solving practical problems. The idea seems to be that the work of the Conference should be so arranged that the public administrator could attend and find the solutions for the problems that will be awaiting him in his office upon his return.

The questions and suggestions all raise different aspects of the central problem of the Conference, viz., the practical value of attacking the problem of method and the best way of doing it. To those who value objectivity in politics, who believe that the key to our political problems is to be found in the facts of our political experience and in the principles of human behavior that explain them, there can be no doubt about the practical value of discovering the method by which political phenomena may be scientifically studied and interpreted.

THE SCIENTIFIC METHOD

Scientific method is the only escape from the state of "jungle politics" in which we are, to the science of politics we are all seeking to attain. The essential difference between the efficiency of the primitive medicine man and the scientific physician of to-day is found in the methods they employ. The marvelous discoveries of modern science remained hidden secrets until inquiring minds devised various techniques of research, by which phenomena could be isolated, measured, observed, analyzed and finally understood. This development of the technique of material science has been going on for generations and centuries, and the modern scientist is still working at the eternal job. Einstein's theory of relativity was but a new challenge to scientific scholars to devise a method for testing its validity. If the analogies from other disciplines be any guide, the study of method must go on forever. For when it stops the progress of human knowledge ends.

But this is not saying that we must study method for method's sake. There can be no effective study of method separate from the problem to which it is appropriate. So far as the writer knows, no one has suggested a frontal attack upon the problem. The policy of the Conference has been to postulate a specific project for each group, with the purpose that the round table concerned would analyze the problem into its constituent elements, and devise a scientific method of attack. The ideal situation is where the group continues its work for two or three sessions. This allows the individual members to assume responsibility for testing out the proposed method in actual research. The results are then submitted as a basis of criticism, discussion, and modification by the group.

PRACTICAL APPLICATION

While the Conference will always concern itself with the question of method as applied to concrete problems, the emphasis should be on the formulation of the technique rather than the solution of the problem. The application of a proposed method in actual investigation is not the kind of a task to which the Conference is adapted. This requires the collection of data, field observation, the operation of controlled experiments where possible, and the analytical treatment and classification of phenomena noted. This is the painstaking, slow moving, laborious task of scholarship which is obviously unsuited to the inherent limitations of an annual Conference. If those who argue that the Conference should become more practical, mean that it should devote its time and energy to the solution of research problems, rather than outlining a plan of scientific attack, they argue in favor of a program that is impossible and which would carry upon its very face the admission that its work would not be scholarly and its results would not be scientific. If there are those whose conception of practicality in the field of research demands that the results of every week's work must be something that is immediately applicable to the solution of an existing problem, then the writer must file a vigorous dissent. Practicality must be determined by its ultimate service to mankind. The besetting sin of social science to-day is that it has sought immediate practicality rather than ultimate truth. We have developed a kind of political prudence but not a political science. Some of the most practical research in the history of science has proceeded for years without the slightest contribution apparent to the eye of the unimaginative. Some of the most practical discoveries have been scientifically completed years before their practical application occurred to the minds of the practical men. To destroy research activity because at the end of a week's effort no practical results had become apparent would be the counsel of destruction.

If, however, by urging that the work of the Conference be made more practical it is meant that it ought to be tied up more closely with the actual investigation that is being done, and the writer suspects this is the underlying thought in most cases, the writer is in entire accord. The work of the round table could be given a great impetus if it was so arranged that the research work of the individual could be correlated with that of the group. In fact, this has been done in several cases with excellent results. It is true, however, in a number of cases, either that members were not engaged in research, or if so, that there was no effective effort to correlate the individual's activity with that of the group. It has been hoped that with the wide assortment of subjects offered, most members could find a group whose discussions would be broad enough to include their difficulties of method and technique. That this is not an idle dream is evidenced by the fact that of the fifty-nine persons who responded to the questionnaire, twenty-nine replied that they were using the results of the Conference in their own research, and in answering the question as to what was the main element of value, twenty declared it was the inspiration and direction they received for their own investigations. This practical character of the work could be greatly enhanced if each member would communicate to the director of his group something of his own difficulties and problems. This would enable the director to make out a program for his group that would be both more practical and realistic.

The third point on which there was common agreement was that there should be greater preparation both on the part of the leaders and the led. That the success of the venture will be largely determined by the preliminary work of the members seems obvious. This will involve more contact between the directors and the members in advance. The writer tried out his agenda upon a graduate seminar for a semester, with the result that it was a much more finished piece of work that was submitted to his group than would otherwise have been possible. Other directors are now using their round table reports as agenda for their seminars who will test out the methods and make their results available for discussion at the next meeting of the group. There are innumerable ways in which this problem may be met. The obstacles in the way of meeting them are simply the well-known human frailties of procrastination, preoccupation and fatigue.

The fourth matter that deserves comment was the continued conviction that the co-operation of allied disciplines, particularly psychology and statistics, is especially essential if maximum progress in the improvement of method is to be achieved. It seems clear that the various social disciplines are all interested in different aspects of the same body of phenomena, human behavior. Politics is concerned with so much of human behavior as is concerned with political situations. Psychology, however, is concerned with the whole field of human behavior, and it has made notable contributions of method and technique that will afford useful analogies to the student of politics. There is reason to regard political science as a form of applied psychology, and to expect that psychology may bear something of the same relation to politics that physics bears to engineering. Whether true or not, the idea presents an interesting hypothesis.

The Executive Committee is now seeking to secure certain financial support for the Conference, and there is evidence that its efforts will be successful. The committee hopes to be able to secure attendance and co-operation of representatives of at least two of the allied disciplines for each of the round tables in order that they may have the benefit of the suggestions and points of view of the different disciplines. It is believed that this arrangement would add materially to the success of the enterprise.

RESULTS OF THE CONFERENCE

Now what were the concrete results of the Conference? This can best be determined by what it has meant to those who participated. Of the fifty-nine members who answered the questionnaire, twenty-nine were using the results of the Conference as a basis of seminar or thesis work, and the same number were using it in their own research. Nineteen thought that the most useful result of the Conference was stimulation and direction for their own research. One instructor, burdened with a heavy teaching schedule, said he had become discouraged of ever getting down to investigation until he began attending the Conference. Under its inspiration and guidance he was now making definite progress. Two others made similar statements. Nineteen expected to do research on the problems of their round table and report back at the next Conference. Forty-two voted in favor of continuing the Conference, seven were doubtful, and no one voted against it.

FUTURE OF THE CONFERENCE

What about the future of the Conference? This was entrusted to the decision of the Executive Committee. As previously indicated the committee is engaged in securing funds to finance a future program. It is believed that if the directors are given a modest honorarium, and small allowance for stenographic assistance, the leaders could find it possible to do some of the preliminary work of preparation that is so essential to the most effective conference. So if expense money were available for each leader to secure the assistance of two or three members from allied disciplines it would add another element that would be stimulating and helpful. Whether or not adequate financial support will be available ought to be determined soon, but until then no definite announcement can be made.

In conclusion there is one matter that ought not to pass unnoticed. It has been suggested that in the scientific movement political science is in danger of losing its soul; that in the concentration upon the problems of political method we are ignoring the problem of political ethics. It is suggested that it is futile to develop the technique of political engineering, unless we have an ideal or vision of the political structure that we want to build. This is surely a timely warning if there are those who think that science alone can solve the ultimate problems of politics. For while ethical standards and spiritual vision are futile without the knowledge of political engineering through which they can be creatively expressed, it is equally obvious that a science of politics without any ideal of the ends to be attained will be impotent and sterile. The architect cannot realize his artistic dreams except upon the foundation of structural engineering, and engineering research would be in vain were not its products utilized by the creative genius of the builder.

The problem of ethics has not appeared upon the Conference program, not because it was thought of no importance, but because it did not seem cognate to the problem of scientific objectivity. It seems impossible, however, that men would give their time and energy to the science of politics, unless back of the desire for scientific technique there is the dynamic power of political and spiritual ideals. It is inconceivable to the writer that there can be any great political program without the union of two vital forces—the technique of objective science and the motivating power of a great ideal. Nor does it seem probable that great research projects in political engineering are likely to be completed unless back of the wearying toil, the unceasing labor and the infinite patience of the scholar, there is the sustained dynamic power of spiritual vision. For in the last anaylsis the end of social science is an effective technique of social control, and when that technique is achieved, we must have some end towards which this control is to be directed. And that end must be the highest welfare of society. And in determining what constitutes the highest welfare of society it will be ethical insight and spiritual vision that will play the dominating rôle.

RECENT BOOKS REVIEWED

THE HOMICIDE PROBLEM. By Frederick L. Hoffman, Consulting Statistician, Prudential Insurance Co. The Prudential Press, Oct. 1925. Pp. 106.

This pamphlet consists of a series of short articles and letters to the press which have appeared over the author's name in the course of the past thirteen years. It deals for the most part with the rising tide of homicides as indicated by the mortality statistics annually published by the Bureau of the Census. The problem which Dr. Hoffman treats is admitted to have assumed serious proportions. To our mind this fact does not excuse him for falling into a habit which has become all too common with statisticians. He insists on translating his figures into other terms. Thus "on the basis of a conservative estimate, there are certainly not less than 10,000 murder deaths a year in this country, which, if placed in a single line, with ten feet to a grave, would fill a trench nearly two hundred miles long!" Given a sufficiently long period of time, and enough grave-diggers, this trench could be made to extend from New York to San Francisco, which seems to be the accepted termini for all such statistical presentations. Dr. Hoffman runs out of figures and fails to carry his trench to its logical destination. With the basic facts here given, however, the reader can do his own computing.

BRUCE SMITH.

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THE ART OF TOWN PLANNING. By H. V. Lanchester. New York: Charles Scribner & Sons. $7.50.

This is a welcome addition to the growing library of books that deal with the arts and sciences related to city and town planning. The author, who is an eminent architect, has highest claims to speak with authority on the subject. His firm was responsible for the design of the Cardiff Town Hall, which, with the surrounding buildings, is the best modern achievement in England in the direction of creating a dignified civic center. He was one of the founders of the Town Planning Institute, of which he is a past-president, and has been a close student of every aspect of the subject for many years. Mr. Lanchester writes as an architect with a loyalty and enthusiasm for his art and an insistence on the professional claims of the architect to be dominant in town planning, which cause him to be somewhat sparing in his recognition of phases of his subject that are not directly concerned with the design of buildings.

His suggestion that town planning consists in the main of "the design of buildings in relation to each other" indicates a bias towards one element in city building in spite of his going on to say that "there are other considerations that enter into the town planner's program not hitherto regarded as within the architect's province, such as horticulture and arboriculture, and the still more important one of achieving a harmonious relationship between nature and the works of man." Then he admits also that there are practical and economic questions that are not architectural in character. A reading of the 25 chapters in the book shows emphatically that the collaboration of the architect, the landscape architect and engineer is essential in town or city planning, and that the question of who should be dominant is based on psychological and other factors that have no regard to the particular professional groove within which the town planner has been trained.

Mr. Raymond Unwin in his address to the International Conference in April last put the case, as to dominance in city planning, in the right perspective when he said:—"It is the presence and coöperation of the right faculties which is important, not the professional names given to their possessors."

The first part of the book, dealing with the historical phases of the subject, is most fascinating reading. It deals, probably at sufficient length for both student and layman, with the history of the art in ancient, medieval and renaissance periods.

Mr. Lanchester considers that for towns of moderate size on fairly level sites, the practical advantages are in favor of a rectangular plan; but he admits that the idealistic design of Perret de Chambery, which adopts a polygonal outline within a scheme of fortifications, is a logical treatment of a diagram for the ideal city. With a level site, surely the combination of radial and rectangular lines, would be not only the most ideal and logical but the most practical. The author realizes the limitations of axial and symmetrical planning which follows the lines of architectural planning on a grand scale, and shows his appreciation of the need of compliance with natural features.

Having regard to the background of English town planning, the author naturally begins Part II, dealing with "The Present Day" with a chapter on civic hygiene, and indicates how the modern town planning movement in England received its inspiration from the garden cities and the garden suburbs. He proceeds to show how it is necessary to study topography, history, economics, housing, communications, hygiene, education, recreation, aesthetics and administration, for the purpose of developing a plan.

It is when dealing with the historical growth of town planning and development of civic centers, and such problems as those relating to scale, proportion and the furnishing of streets, that Mr. Lanchester is at his best. When he gets in touch with the humdrum details of preliminary studies we find him more or less summarizing what has been said before, rather than giving us any new ideas on the subject.

The chapters on scale and proportion, tradition, modern practice, and technical methods, are all too brief. There is great need of more enlightenment on these subjects from specialists having the wide experience and artistic qualifications of Mr. Lanchester. One dictum he sets forth on the subject of scale is of special interest to students of the American city. He says that it is too often laid down that buildings may be as high as the street is wide, but this is absolutely the worst proportion that could be chosen aesthetically. The two types of streets that he considers are most impressive are those lanes and streets of the canyon type, and those that are spacious and open. "The first demands buildings at least half as high again as the width, while in the second the heights may not exceed two thirds of the street width." Here we have a statement that gives a new meaning to the zoning regulation of New York which prescribed heights of one and one-half times the width of the street as the maximum height over large areas.

Mr. Lanchester accepts the city as an essential part of the national economy and makes the claim which will be challenged by many, that the actions and reactions of great cities are necessary to produce the keenness of mentality in the few which gives vigor and force to the nation. For this, he says, the great cities exist.

Mr. Lanchester does not think much can be done with the railways, and he would therefor turn his main attention to the highway as the opportunity for the city planner. If, however, Mr. Lanchester had given us some constructive proposals relating to the architectural problems and opportunities connected with railway terminals and their approaches he would have added greatly to the value of his book. We need illustrations of how the aesthetic can be linked up with the utilitarian services of the city.

The notes on town planning in the British Dominions, and on the important subject of modern practice, are too superficial. One interesting comment appears with reference to practice in America. America, he says, "having discovered the artistic ineffectiveness of the gridiron plan, is endeavoring to extenuate this by supplementary radials and closed vistas." The statement that there is little likelihood of a world-wide uniformity in the technique of city planning is not likely to be questioned. As an art, city or town planning must develop in accordance with the temperament and traditions of each nation. Rapid increase of underground transit, such as exists in New York, is predicted. Cleanliness, ease, and protection from the weather are put forward as the advantages which would take the place of the absence of sunlight in two-decked streets of the future.

Near the close the author expresses the fatalistic doctrine that "until the situation becomes desperate there is little chance of reform." But he goes on to say that change in the form of cities is inevitable and that it is to the art of city planning that we must look for guidance as to how such changes can be given appropriate expression. This book discusses with profit to the reader some of the right modes of expression for the city and shows why the artist should be permitted to bring his imagination to bear upon its problems.

Thomas Adams.

GOVERNMENTAL RESEARCH CONFERENCE NOTES

EDITED BY ARCH MANDEL

Executive Committee Meeting.—On December 30, last, the Executive Committee of the Research Conference met in New York, the full committee being present. The general plans for the 1926 meeting were proposed and discussed and progress was reported.

⁂

Detroit Bureau of Governmental Research.—The Detroit Bureau has just made public a report on school building construction in that city, covering the years 1919 to 1924, inclusive. This study was made at the request of the Detroit Board of Education, which wanted to get an impartial appraisal of the need for the extensive building program completed, as well as the cost of constructing the buildings. The study was in answer to the questions as to whether Detroit was spending too much money on school buildings, either because of too extensive a program or because of too high cost in the construction of its buildings.

R. L. Humbert, who has taken a master's degree in municipal administration at the University of Michigan, and who for six months was connected with the Detroit Bureau of Governmental Research, has been appointed Secretary of the Harrisonburg Chamber of Commerce, Harrisonburg, Va., to take effect January 1.

The Detroit Bureau is now discussing with the city officials an audit of the special assessment sinking fund and a survey of the methods of collecting special assessments. It was pointed out that a saving of $75,000 a year could be accomplished by very minor changes in the present procedure. The report deals with a subject that does not engage the attention of many students of governmental methods and may contain some suggestions of use to other research bureaus.

S. E. Rose of the Detroit Bureau was made secretary of the Mayor's traffic committee, which committee is making a continuous study of the Detroit traffic situation. Rose's services are loaned by the Detroit Bureau.

⁂

Kansas City Public Service Institute.—The Institute is co-operating with the administrative code committee of the new council in studies preliminary to the drafting of the administrative code, provision for which is made in the new charter. It is planned to have the code ready for adoption by the new council when it takes office April 10.

Work has been begun on a general study of the government of Jackson County, looking toward a general reorganization. The first work being done covers the legal phases and the general organization. A study of the county road situation will probably be under way very shortly. This has the additional purpose of determining the need for a suggested increase in the tax rate for road purposes.

Bond issues were voted for rehabilitation of the fire department and for large additions to the city hospital system. Studies are being made in co-operation with the Citizens' Bond Advisory Council as to the best use to which the funds voted can be put.

⁂

Newark Bureau of Research.—The question of non-voting and permanent registration is being considered by this organization. J. B. Blandford, secretary, prepared an informational report on voting, in which he brought together data from various sources, showing the percentage of citizens voting in Newark and in other cities of the United States. The report also contains a discussion of permanent registration, how it works and where it has been adopted. No recommendations have as yet been made, but the ultimate purpose will probably be the introduction of a bill in the present session of the New Jersey legislature, providing for permanent registration.

Since the endorsement of the council-manager plan by the membership of the Chamber of Commerce, the Newark Bureau has been actively engaged in developing a campaign of education. In general, this campaign is divided into two distinct stages, the first stage being more especially informative and the second, the actual campaign for adoption.

To further the work of this first phase of the campaign, the Chamber has taken on a civic secretary, who will spend much of his time in the preparation of literature and in arranging for meetings to be addressed. Already, Chamber representatives have appeared before a number of organizations.

Two pamphlets were prepared and a third is now in the process of preparation. The first pamphlet outlines the structure of the plan, reciting its advantages, certain misconceptions, and also a summary of the New Jersey municipal manager law. The second pamphlet is more especially designed to meet the criticism that this plan of government is suitable only to small cities. This is done by describing in some detail the progress of the movement into fifteen of the large cities of the country. The third piece of literature will list the endorsement of the manager plan by outstanding representatives of labor, business, political science, women's organizations and the like.

⁂

New York Institute for Public Service.—William H. Allen, director, has arranged with a leading newspaper syndicate to try out a series of syndicated brevities on governmental research and other civic co-operation with municipal and state governmental officers. At the outset, these brevities will deal chiefly with successes in watching the taxpayer's dollar. Among the most helpful kinds of watching will be included that which helps get needed work well done. Effort will be made to use material in ways that will help local agencies which furnish the material, as well as other agencies which may be stimulated by reports of success in neighboring cities.

⁂

National Institute of Public Administration.—On December 18, last, the regular annual meeting of the Board of Trustees of the Institute was held. Members of the Board present were Richard S. Childs, R. Fulton Cutting, Raymond B. Fosdick, Vernon Kellogg, Frank O. Lowden, Carl Pforzheimer, E. R. A. Seligman.

Luther Gulick presided at the round table on municipal administration at the annual meeting of the American Political Science Association, held at Columbia University, December 28 to 30. A number of the Institute staff attended the meeting.

Dr. Carl E. McCombs has just completed some special work on the organization and administration of the penal agencies and institutions of New York State for the special committee on state prisons of the Hughes State Reorganization Commission.

Bruce Smith spoke before the Rotary Club of Hoboken, December 30, on police administration. He presented his report on police administration in St. Louis, Kansas City and St. Joseph, to the Missouri Association for Criminal Justice. In collaboration with Leonard V. Harrison of the Indianapolis Chamber of Commerce, he has prepared for the National Crime Commission a report on forms and procedure for a state system of criminal complaint records.

The Institute has undertaken a study of the taxation of port authority property, at the request of Senator Courtlandt Nicoll of the New York State Senate. Information has been obtained from various ports in the United States and the ports of London, Liverpool and Montreal. William Bassett, Philip Cornick, and Luther Gulick are in charge of the study.

⁂

Toledo Commission of Publicity and Efficiency.—C. A. Crosser, secretary of the Commission of Publicity and Efficiency of Toledo, Ohio, has been appointed secretary of the Des Moines Bureau of Municipal Research to succeed Clarence Young, who goes to Philadelphia as an assistant director of aviation for the Sesquicentennial Exposition.

Mr. Crosser has been with the Commission of Publicity and Efficiency since 1922. The Des Moines Bureau is privately endowed and has completed a number of important investigations in the last few years.

A proposal to make members of the city plan commission of Toledo elective and giving that body authority to approve or revoke all city contracts in excess of $10,000 has been disapproved by the commission of publicity and efficiency, following investigation. The commission obtained the opinions of a number of authorities on city planning, who were all practically unanimous in asserting that the function of a city plan commission is purely advisory and should not be burdened with administrative powers.

⁂

Political Research Bureau, New York.—Beginning with the new year, the Political Research Bureau, T. David Zuckerman, director, disassociates itself from the New York County Committee and becomes an adjunct of the Republican State Committee of New York. The chief interest of the Bureau for this year, at least, will be matters of state finances. The Bureau is also expected, however, to devote a certain amount of its time to the needs of the local organization, and expects to render material assistance to Mrs. Ruth Pratt, the first woman member of the Board of Aldermen of New York City.

⁂

Citizens' Research Institute of Canada.—The first number of the annual cost of government in Canada series has been published.

A report dealing with relation of taxation to net production, showing comparative figures of Canada, United States, Australia and Great Britain, is in course of preparation, and will be published in January.

Completion of figures relating to urban municipalities in Canada, population between 400 and 2,000, for the Institute's Red Book, is in progress.

⁂

Toronto Bureau of Municipal Research.—During the month, the Bureau has continued to co-operate with the local Board of Trade, Rotary Club and other citizen organizations, in an effort to increase the percentage of voting efficiency at the forthcoming municipal elections. Addresses on voting have been given by the director and members of the staff before Service Clubs, Ratepayers' Association, etc.

The Bureau has published a bulletin, giving a résumé of the work of the city council and board of control for the year 1925.

⁂

San Francisco Bureau of Governmental Research.—The principal activities of this organization at present are as follows:

Public improvement revolving fund: study of procedure possible under recently adopted charter amendment providing for bond issues, exclusive of bonded debt limitations, the proceeds of which are to be used as a revolving fund for financing street work and other public improvements. Fund to be reimbursed by special assessments, and bond interest and redemption to be paid therefrom.

Population study: development of an estimate of population, based upon all pertinent factors such as water service connections, dwelling construction, school attendance, street car passengers, etc.

Municipal railway finances: study of proposed changes in financial set up of municipal railway, relating particularly to depreciation reserves.

Evaluation of utilities: study of evaluation proceedings now under way by the State Railroad Commission, in connection with possible purchase of existing utilities by the city.

⁂

Institute for Government Research.—The Institute for Government Research has recently brought out four new volumes in its regular series of publications under the imprint of the Johns Hopkins Press.

The first of these is entitled, "The Statistical Work of the United States Government," a volume of 574 pages, largely descriptive in nature, the title being self explanatory. This volume is number eleven in the series, "Studies in Administration," and is the work of Laurence F. Schmeckebier.

The other three volumes are numbers 21, 35 and 36 of the "Service Monographs of the United States Government," including the history, activities and organization of the services dealt with. These monographs are respectively, "The Children's Bureau" (83 pp.), by James A. Tobey; "The Bureau of Standards" (299 pp.), by Gustavus A. Weber; and "The Government Printing Office" (143 pp.), by Laurence F. Schmeckebier.

In addition to the staff work on the above and other volumes, some of which are in press, and assistance to certain Federal departments in the installation of improved accounting procedure, the Institute has been giving assistance to the Governor of North Carolina in the work of reclassification of salaries and grades and the improvement of accounting methods in connection with budgetary reforms.

⁂

China.—Announcement has been received of the establishment of the National Institute of Self-Government, of China. This Institute has been projected for a number of years, but has been deferred owing to the unsettled political condition. The Institute is under the direction of Dr. Carson Chang, a student of high repute in China. Its work will be divided into four sections having to do with national, state, city and rural administration. A Bureau of Municipal Research has been established in connection with the Institute and is under the direction of Mr. H. C. Tung, formerly a student of Municipal Administration at the University of Michigan. The address of the Institute of Self-Government is Woosungtseng, Kiangsu, China, and an exchange of publications with other Bureaus of Municipal Research is invited. Please note.

NOTES AND EVENTS

EDITED BY A. E. BUCK

Buffalo Adopts Zoning Ordinance.—The city council of Buffalo, New York, has unanimously adopted a zoning ordinance. This ordinance divides the city into residential, business and factory districts, and provides for a board of appeals. When it becomes effective, applications for permits for buildings, garages, gasoline stations, factories, and so forth, heretofore passed upon by the city council will go to the building commissioner for approval.

◆

Federal Reclamation Payments Far in Arrears.—Thousands of water users of federal irrigation projects have asked for deferment of payments due the national government during the fiscal year of 1925. During the last five years there has been a progressive decrease in payments made on certain projects. Delinquencies from this period amount to the staggering total of $8,500,000. Arrears in payments for 1924 alone amounted to more than $3,000,000.

The commissioner of the bureau of reclamation points out that the theory of federal reclamation is that it shall be self-supporting. The money spent to build irrigation works is to be returned to the government. Water users are to pay all the costs of operation.

Seven irrigation projects have paid more than 85 per cent of the charges and assessments. Seventeen have paid more than half. The payments of the remainder are so inadequate and the morale of the settlers on some is so low that measures will have to be taken to check the downward course toward insolvency.

It is estimated that the lands irrigated from federal reclamation works in 1924 produced crops worth nearly $110,000,000, an increase of $7,000,000 over the previous year. On the projects proper 1,216,610 acres were cropped, the gross value of all crops being $66,488,000, or $54.65 per acre. Water was also supplied under the Warren act contracts to 889,640 acres, which produced crops having a gross value of $43,237,000, or $49.28 per acre.

◆

The Len Small Case.—The decision of the Illinois Supreme Court that Gov. Len Small, when state treasurer in 1917–18, withheld from the state perhaps two millions in interest on its funds and must now account for the money has been expected. The Circuit Court gave the same verdict a year ago. A master in chancery who made a special report reached the same conclusion. Public sentiment has never had much doubt of the facts. The evidence indicated that Treasurer Small had taken about $29,000,000 in state funds and through a dummy bank had loaned it to four Chicago packing companies at from 5 to 8½ per cent interest, meanwhile paying the state not more than 2 per cent.

This decision throws a significant light backward upon the criminal trial of Small in 1922 and upon his reëlection in 1924. If he withheld this money he withheld it fraudulently. Yet his trial on four criminal indictments ignominiously broke down. Three of the indictments were quashed on technicalities—that for embezzlement because the foreman of the grand jury had signed his name in the wrong spot. Documentary evidence disappeared. Witnesses hastily left the state. The Chicago press was outspoken in its declarations that jurymen had been promised favors which Gov. Small subsequently conferred. Now the suspicion that there was a miscarriage of justice will be redoubled, for the same evidence was used in the civil as in the criminal suit. As for the reëlection, last year the voters knew all the charges against Small. Yet they gave him 345,000 plurality.

The court's findings are damaging to Gov. Small. But the people of Illinois may well wonder if they do not do damage in other quarters as well.—*Editorial from the New York World.*

◆

Zoning Upheld by the New York Courts.—While the courts of New Jersey are breaking down the zoning plan, the courts of New York are gradually strengthening it. In New Jersey the courts declare that neither the state legislature nor local councils can prevent stores in residence districts. In New York the courts say they will uphold zoning wherever its application is reasonable. In New Jersey the courts take the subject out of the hands of legislative bodies. In New York the courts wisely allow legislatures to legislate.

The Court of Appeals at Albany has from the beginning of zoning shown sympathy with the efforts of cities to organize themselves for the health, safety and welfare of the community. It has upheld old principles but recognized new applications of them.

Three decisions of this court have been monumental in the field of zoning. They establish zoning in this state, and are cited throughout the country as impregnable declarations of the law.

The first case is Lincoln Trust Co. *vs.* Williams Bldg. Corp., 229 N. Y. 313, decided in 1920, which holds that reasonable zoning is lawful and that zoning regulations do not constitute encumbrances on land. Incidentally, it may be remarked that the reservation usual in title policies and contracts to the effect that the land is subject to the regulations of a building zone ordinance, is in this state unnecessary, obsolete and improper.

The second great case is People *ex rel.* Sheldon *vs.* Board of Appeals, 234 N. Y. 484, decided in 1923, which upholds broad powers of variance in boards of appeals, subject to court review. This opinion establishes the machinery for effective zoning. It puts the safety valve where it belongs. The courts when they review the decisions of the board of appeals iron out the arbitrary instances instead of declaring the regulations unconstitutional. Zoning is placed on the firm basis of court adjustment the same as the assessment of property for taxation.

The third and latest case and perhaps the most complete vindication of zoning ever written is Matter of Wulfsohn *vs.* Burden (Mt. Vernon) handed down on November 24, 1925, and not yet officially printed. The opinion specifically upholds the lawfulness of regulating new apartment houses in open residence districts by compelling 50-foot setbacks from the street, upholds zoning for the general welfare, and in general supports reasonable zoning all along the line, giving for the first time full reasons for the attitude of the court and building up a complete and irresistible argument which is the last word in zoning in this country.

Edward M. Bassett.

⁂

Traffic Regulation in Washington, D. C.—Complete divorcing of traffic regulation from the police department and placing this work entirely under the jurisdiction of a traffic director is being considered by the city of Washington, according to a recent issue of the *Engineering News-Record.* A few years ago the lack of an adequate system of traffic regulation in Washington had brought about a serious condition in that city and to relieve that situation during 1925, M. O. Eldridge, an engineer, was appointed traffic director. Under his competent administration a system of regulation has been developed and is in operation which has gone far to improve traffic conditions in that city. In addition to an executive assistant, who is likewise an engineer, the traffic director has at his immediate command ten policemen under assignment, but the traffic squad, comprising from seventy to eighty members, is independent of his direction.

In commenting editorially on the work of Director Eldridge, the *Engineering News-Record* states:

> His lot is far from happy, because of the law which still makes him dependent upon the police for the execution of his plans. He may order, for instance, a certain traffic sign for a certain corner, and that order must go through the routine of the police department to emerge a week or so later as an altogether different sign on an altogether different corner. He may have a special rule which he wishes enforced, but for the patrolmen to enforce the rule he is dependent upon the desire and will of the police.
>
> In other words the new law goes only part of the way toward a rational solution of traffic control. It is not necessary to criticize the police department of Washington to say that as things are now the law is far from perfect. So far as information goes, there is no conflict between Mr. Eldridge and the police. They may be in perfect sympathy. But a police department is a complex thing, subject to many inner promptings and outward influences, and one of the things that it is not congenitally fitted for is co-operation.
>
> One importants tep forward was made in Washington in providing a traffic director of technical background instead of the usual police sergeant or lieutenant, whose desires for rational thinking on traffic are more often than not overwhelmed by the traditions of his trade, but the experiment will not be complete until amendment is provided whereby the director has his own traffic squad in sufficient number and of sufficient power to supervise traffic everywhere and enforce rules that are made.

While endorsing the soundness of the editor's comment concerning the requirements of effective regulation of traffic, the question might be raised as to whether divorcing traffic control from the police department is the logical solution of the problem. It is true that the development of any system of traffic regulation at present involves important engineering problems. These should be undertaken and directed by competent engineers. It is equally true that traffic control is primarily a police function. There would certainly seem to be sound objections against delegating police functions in a city to a body entirely independent of the police department.

"Lucio" comments humorously on this subject in a recent copy of the *Manchester Guardian*, as follows:

AMATEURS ALL

Moved by some proud but quaint caprice,
The butchers formed their own police.

At once and with no more ado
The grocers formed a body, too.

And then the bakers could not dwell
Without their own police as well.

The tailors then enrolled direct
Their own constabulary sect.

The fashion spread; you never saw
Such fury to uphold the law.

The brewer, lawyer, doctor, priest,
Each vowed he must be self-policed;

The farmer, postman, draper, clerk,
Must all upon his course embark;

Until there was no single trade
Without its army on parade.

And each of all these gallant corps
Most earnestly and loudly swore

That only its self-righteous arm
Could keep the threatened State from harm.

* * * * *

The Real Policeman scratched his head:
"Rum compliment to me," he said.

The difficulties in the Washington situation would appear on the surface to be matters of practice rather than principle. Is it sound doctrine that a police department is congenitally unfitted for co-operation? It would seem possible to effect an arrangement whereby a competent engineer could be appointed as a deputy commissioner of police directly in charge of developing and possibly operating a system of traffic regulation for any city and at the same time be in a position to have the benefit of the experience of his associates in the department in the vexatious police work of enforcing traffic regulations.

W. A. Bassett.

Municipal Expansion in Germany.—Judging from the two introductory articles in the October (1925) issue of the *Zeitschrift fur Kammunalwirtschaft*, it is clear that the lines are being very definitely drawn by the proponents of the independent suburb and the proponents of the ever expanding municipality. Several important forces have allied themselves with the inhabitants of the small town who would maintain separate identity. Among these are the city planners and governmental agencies. Among the latter, the Ministry of Public Welfare has recently given directions to local governmental heads to the effect that the subsidies of the state for the erection of dwellings should be distributed preferably among the suburban and small town communities which are serving as settlements for city dwellers anxious to leave the cities.

A recent bill proposed by the Prussian Minister of Welfare follows the same general principle, indicating that suburbs shall be incorporated only when there is no other solution possible. Added to this is the emphatic recommendation that communities should maintain their full communal independence.

The writers of these two articles adopt diametrically opposite positions with reference to the same features of municipal life. One argues for decentralization for most municipal functions, while the other argues that through centralization better standards can be maintained. Specific reference is made by both to health, public utilities, industrial expansion and dwellings.

The proponent of independence of suburbs points to water, gas, electricity and local transportation as being well handled on inter-communal lines; furthermore, up-to-date city-planning increasingly ignores the city boundaries and partakes of the character of regional planning.

The opponent of decentralization on the other hand urges the costliness and inadequacy of the public services under inter-communal control and refers to water, sewage, park and other special districts.

There is a similar locking of horns with respect to the amount of what might be called local patriotism and civic consciousness, the one claiming that the large city with its "rage de nombre" brings about a dilution of civic interest and understanding to the end that the metropolitan city is "a city without homes." The defendant of the necessity of growth in large cities laughs this objection to scorn as he points to the valuable social work and unusual accomplishments that are to be found only in great municipal centers.

The reader of the two articles is not likely to have his own convictions greatly altered by either, as neither writer offers statistical data in support of his contentions. The articles may be looked upon as a preliminary skirmish to what promises to become a conflict of serious proportions, both in Germany and elsewhere.

W. E. Mosher.

✣

Training in Municipal Government and Affairs at the University of Paris.—A special institute was established in connection with the University of Paris in 1920 to provide courses in municipal government and affairs. It functions under the faculty of laws but with intimate connections with the institute of history, geography and municipal economics of the city of Paris. In a very broad way the instruction covers all fields of municipal economy beginning with the evolution of the city itself, its social, administrative and economic organization and the art and technique of city planning and construction. Special supplementary conferences are arranged for dealing with hygiene, public service, maintenance of order, municipal engineering and the like. This program covers a period of two years. It is topped off by an examination at the end of both the first and second years and, after an acceptable thesis has been prepared, a diploma is awarded.

A second type of course has to do with the further training of administrative officials already in office and the preparation of those who are looking forward to employment in the higher positions under a mayor.

Special provision is made both for civil employees and those from a foreign country whereby personal attendance at courses may be curtailed and thus the sojurn in Paris itself be reduced to a minimum. Library facilities and reference assistance are made available to the members of the institute.

The number of students enrolled in 1919 was 294, in 1922 there were 326, in 1924 there were 153. In this last group there were 27 foreigners representing 11 different nationalities, including students from China, Egypt and Argentina.

In the advanced section, designed for those already placed in the public service, there were 91 students in 1924–25 and 52 of these were employed directly by mayors.

The administrative council of the institute consists of the Rector of the Academy, the President and members designated by the University, the Counsel General and the Prefect of the Seine.

W. E. Mosher.

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THE LEAGUE'S BUSINESS

Reports of Memorial Meeting of George Burnham, Jr.—The City Club of Philadelphia will supply on request, up to the limit of the edition, a pamphlet containing a stenographic report of the ten addresses delivered at the meeting held in memory of George Burnham, Jr., by those who represented organizations in and outside of Philadelphia in which Mr. Burnham had been so effectively active. Richard S. Childs represented the National Municipal League.

⁂

The Conference Committee on the Merit System, composed of representatives from the National Municipal League, the National Civil Service Reform League, the Governmental Research Conference, the National Assembly of Civil Service Commissions and the Bureau of Public Personnel Administration, has issued a preliminary report which was published as the January number of *Public Personnel Studies.* Accompanying the report is a suggested draft of a civil service law applicable to cities and municipalities.

The committee was unable to agree upon any single form of organization of the civil service commission. It accordingly resolved its difficulties on this score by describing six forms of organization and allowing the proponents and critics of each to write the arguments pro and con. But the report is especially valuable because of its detailed consideration of the functions and services which a public personnel agency must perform. The final report will be issued in book form.

⁂

Death of William H. Maltbie.—Mr. Maltbie, an old member of the League and a frequent contributor to the Review, passed away on January 23 after a brief illness. Mr. Maltbie had a distinguished career as college professor, public servant and lawyer. He was the first head of the Bureau of Municipal and State Research established in Maryland in 1912, and in 1918 was made a member of the Baltimore City charter commission. During the war he was food administrator for Maryland. Much of his law practice had to do with public utilities. His going will be a serious loss to Baltimore. In the words of the Baltimore *Sun* "his peculiar combination of brains, character and diverse, yet deep, training cannot be duplicated."

⁂

First Monograph Brings Favorable Comment.—The following unsolicited testimonials regarding *Municipal Budgets and Budget Making*, by A. E. Buck, may be of interest. The first from a budget official in Minnesota:

> May I take the liberty of complimenting the League, and through the League Mr. Buck, on the recent publication of *Municipal Budgets and Budget Making?* In my opinion it should be of great value to budget officials, particularly in small cities. It has the merit of being clear and to the point and of not being overloaded with discussions and explanations which tend to frighten many readers rather than to elucidate the plan under consideration. This volume has made an extremely pleasing impression on my mind.

The second is from a budget official in California:

> I want to tell you how much I enjoyed the monograph on *Municipal Budgets and Budget Making.* It is by far the most concise and lucid exposition of municipal budgets and budget practice that I have ever seen. . . . It is a book which would have saved me many hours of rather tedious work had I been in possession of it a couple of years ago.

The few remaining copies are still selling for $1.50 each plus postage.

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EDITORIAL COMMENT

Greater Boston

Mayor Nichols wants to see Boston improve her position in the census ratings. In 1920 the bureau of the census credited her with 748,060 souls; but in the same year the Boston metropolitan area, as defined by the bureau (being the territory within ten miles of the city's boundaries), had a population of 1,772,254. The game is to devise a plan by which the larger figure will be Boston's population for census purposes thus placing her fourth instead of eleventh among American cities. For the present this must be accomplished without disturbing the autonomy of any town or city within the metropolitan area.

The mayor has been assured by the federal authorities that a legislative definition of what constitutes Boston will be accepted by them when they publish the next population statistics; accordingly all that seems needful is that the legislature create a Greater Boston for census purposes. But Mayor Nichols has something else in mind; he hopes soon to see a true metropolitan Boston under a unified government and he frankly admits that his present proposal is merely an entering wedge.

*

Initiative, Referendum and Recall

The city manager charter of Springfield, Ohio, which went into effect in 1914, provides for the initiative, referendum and recall; but none of these devices has yet been invoked in that city. This fulfills the prophecies of many who refused to become alarmed over the impending destruction of representative government by the adoption of direct legislation. In their minds the new tools would be used with moderation after a possible period of early experimentation. Doubtless the heat generated by friends and foes of the initiative and referendum distracted attention from the opportunities and importance of improving the caliber and work of our legislative bodies, but it would now seem that these so-called instruments of democracy have settled down to the performance of their proper function, which is to stand by for an emergency but to remain inactive when the government is functioning properly.

These conclusions are borne out by the tables prepared by Ralph S. Boots and published in the January issue of the Review. They show that the number of times the people have been called upon to participate in direct legislation are negligible in comparison with the number of times they have been summoned to pass on constitutional amendments. As Dr. Boots points out, the latter would be necessary even if the initiative and referendum had never been invented.

Loose Charges Refuted

The Cleveland police department has recently emerged with flying colors from an attack staged by a local judge of the municipal court. This lone crusader announced that he had discovered that gambling was rampant in the city and that it was being carried on with the connivance of City Manager Hopkins and the police department. Fortunately for the good name of Cleveland, the fact appears to be that the judge was manœuvering for some personal publicity and in so doing undertook to capitalize the popular indignation over gambling permitted in the county outside the city limits.

Although the Cleveland police have banished commercialized gambling from the city, the suburban municipalities to which the gamblers fled do not have the staff and oftentimes lack the disposition to enforce the law, and the rural territory in the vicinity of Cleveland must look to the county sheriff, former Mayor Fred Kohler, for protection. Charges have been freely made that he has also been guilty of lax law enforcement. Gambling, unquestionably, has been thriving in the suburban territory. The newspapers have been conducting a brisk campaign against it and the municipal judge saw an opportunity to break into the headlines with charges against the city manager and the municipal police department. But the manager met the issue squarely and demanded a grand jury investigation. This was granted and the grand jury reported that there was no indication that the police department was extending protection to gamblers.

City police departments are frequent victims of loose charges of this nature which invariably do harm rather than good. Not only do they tend to bring the city into disrepute, but their effect is to discredit serious reform movements by calling, "Wolf, wolf," when there is no wolf, and by diverting public attention from real wrongs.

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Kansas City's Chance for Good Government Under New Charter

As readers of the REVIEW are aware, the election of the Kansas City's first council under her new city manager charter was conducted along partisan lines although the ballot was non-partisan in form. The majority of the new council are Democratic and have announced that they intend to operate the city as a Democratic responsibility. Although the charter does not go into effect until April, they have held a caucus and selected H. F. McElroy to be the manager. He will be named at the first meeting of the new council. The new city manager is a partisan Democrat, and has served one term as judge of the county court. He began his career as water boy for a railroad section gang but for the last thirty years has been engaged in the real estate business. He is now sixty years old.

It is recognized that he will appoint Democrats to practically all city positions. But, according to Walter Matscheck, director of the Kansas City Public Service Institute, the situation is far from hopeless. The future manager is a pretty capable man who believes that party administration is not inconsistent with efficient government, and who Mr. Matscheck thinks will be strong enough to keep control of the administration.

Friends of the manager plan have always stressed the importance of divorce of administration from partisan politics; have always insisted that good government and partisan government are contradictory terms. But Kansas City has undertaken to prove that the manager plan is big enough for both.

Mr. Matscheck, while not looking for any startling success, believes that the two are not mutally exclusive. He may be right and he may be wrong. Time will tell. There is a broad-gauged partisanship and there is a narrow-gauged partisanship. If the new manager views his position as an opportunity to reward deserving Democrats, as is implied by his intention to appoint only Democrats (although they are to be good ones), he will be continuing the spoils system and his administration can be only moderately successful. Under such circumstances his partisanship will be narrow-gauged.

Nevertheless, Kansas City has selected the best council which she has had in many years and the charter organizes the government along the right lines.

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University Training for Public Employment As a result of the annual conference of the West Virginia Municipal League, West Virginia University has joined the list of colleges and universities offering special courses to young men and women who expect to have a part in solving municipal problems.

It is encouraging to follow the growing interest on the part of the educational institutions in the provision of special academic courses in local government administration. Neither officials nor the educational institutions themselves will claim that a university training fits a man or women for a responsible local government administrative position. However, the university authorities and an increasing number of city officials are recognizing that a man trained in the university in the fundamentals of local government administration will, with a reasonable amount of experience or a reasonable period of apprenticeship, as a rule become a more useful and effective public official, than one who has not had a fundamental academic training.

We are particularly interested in a statement made by Samuel Baker, city clerk of London, Ontario, and secretary of the Union of Canadian Municipalities, that the larger cities in the province of Ontario are requiring applicants for responsible administrative positions on the city staffs to show certificates or diplomas that they have completed university courses in the subjects with which they are to deal. The members of the present staffs who have not taken such courses in residence or by correspondence are encouraged to begin correspondence courses at once.

J. G. S.

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Autocracy in the National Budget Colonel Sherrill, city manager of Cincinnati, presents in this issue of the Review some of his ideas on the national budget-making procedure. Prior to becoming city manager, he was a federal official at Washington, so he speaks from experience on this subject. He believes that while the bureau of the budget has saved money since it was established in 1921, it has developed certain autocrative tendencies in the way it handles the departmental estimates. When these estimates are revised by the bureau of the budget, the departmental units or bureaus are compelled, he claims, to accept the revision under the budgetary rules. Of course, the bureau chiefs are called in when their estimates are gone over and revised. Presumably, these chiefs are given an opportunity at this time to present whatever additional information they may have in support of their estimates. But, says Colonel Sherrill, these meetings between the budget officers and the bureau chiefs are held behind closed doors. This procedure he views as being autocratic.

And why? Because there is no publicity; the bureau chiefs are not permitted to issue statements to the newspapers about the action of the bureau of the budget on their estimates. Especially do the bureau chiefs wish publicity when their estimates are revised downward.

Colonel Sherrill has presented the point of view, we assume, of the bureau chiefs. During his official experience at Washington, he saw the national budget-making procedure from this viewpoint. But let us look at the budget procedure from the standpoint of the president. Under the national budget system, the president is responsible for the budget plan which he presents to congress. The bureau of the budget is the president's staff agency in the preparation of the budget. It is the function of this staff agency to gather the departmental estimates, to review and revise them, and to set up the revised estimates in the form of a tentative budget for the consideration and approval of the president. In order to expedite this work, the bureau of the budget must adopt certain rules. These rules, we presume, have been adopted with the consent of the president.

It remains for the president and the bureau of the budget to see the work of the national government as a whole, to view the various bureaus and offices as parts of a great governmental machine and not as so many separate entities, each being permitted to make much ado about its expenditure needs when its estimates are being considered. The expenditure requirements of the several bureaus must be weighed one against the other and adjusted in the light of their relative importance. Only in this way can the president formulate a complete budget plan for congress, a plan which will balance the necessary expenditure requirements of all agencies with the anticipated income of the government.

These are some of the broader aspects of national budget making. Are they czaristic or autocratic in their tendencies? Or, are they in the interests of executive leadership and in conformity with American traditions?

A. E. B.

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Hughes Report on Administrative Consolidation

The report of the New York State Reorganization Commission, headed by Charles E. Hughes, has been released as we go to press. It consolidates one hundred and eighty state agencies into eighteen administrative departments, and doubtless will be acceptable to the Republican legislature and the Democratic governor. The two recommendations most heavily charged with political interest are the executive budget and the four year term for governor. The commission is in favor of the longer term but says nothing regarding the year in which the governor shall be elected, a matter on which the two parties have divergent opinions.

The recommendations for an executive budget follow the proposals made by the constitutional convention of 1915 with the exception that the legislature is to be permitted to add items of appropriation, which will, however, be subject to executive veto. It is hoped that this will put an end to the nonsense respecting the executive budget in which the Republican members of the legislature have indulged in recent years out of hostility to Governor Smith.

The National Municipal League was well represented on the reorganization commission. Mr. Polk, our president, and Richard S. Childs, vice president, were members of important committees. Mr. Hughes, chairman of the commission, is a vice president of the League and Walter T. Arndt, a member of our committee on municipal nonvoting, was secretary.

CZARISTIC TENDENCIES OF THE NATIONAL BUDGET SYSTEM

BY CLARENCE O. SHERRILL
City Manager of Cincinnati

Colonel Sherrill believes that the budget secrecy enforced upon executive officers is out of place in a republic. :: :: :: :: ::

My position in Washington, as director of public buildings and parks of the National Capitol and the other offices which I held in connection with various matters, made me a member of the National Government Business Organization. This brought me into close touch with the various organizations, centering in Washington and radiating to the various districts throughout the United States.

CO-ORDINATION THROUGH BUDGET BUREAU HAS SAVED MONEY

In addition to very close association with the bureau of the budget in securing funds for the various activities under my charge, I was related to it in my capacity as co-ordinator of motor transport for all the government departments and establishments in the District of Columbia. This duty involved the carrying out of a co-ordinated plan of motor transport, both passenger and truck, for the thirty or forty departments and establishments of the federal government. Before the creation of this co-ordinating agency, it was the common practice for one department to go out into the open market and hire motor transport to meet an important call, although at the same time other agencies of the government might have a large amount of motor transport not then in use. The open market method of hiring transport was a great expense and a great waste of government funds. Large savings of money were made by the installation of the up-to-date methods of co-ordination and as well as by many other improvements of service, such as the centralization of scattered garages under one head and at one place, thus reducing rentals and supervisory cost and improving the character of service and operation.

In this work I came into very close contact with General Smither, chief co-ordinator under the bureau of the budget and came to have a great admiration for his ability and organizing capacity, as well as his tactful method of securing results through co-ordination. The work done by the national government, through the bureau of the budget and its co-ordinating agencies, has been very effective in bringing about a better business administration and a great saving in expense.

AUTOCRATIC METHODS RESPECTING BUDGET ESTIMATES

I have sometimes felt that it is unfortunate that the financial section of the bureau of the budget, which includes the offices which handle the estimates of the different establishments which later go to congress, has not worked with the same consideration and tact that has been followed by the co-ordinating agency. The practice now followed by which the budget hearings are secret, the press or public not being permitted to attend them, was the subject of some discussion between the bureau of the budget and myself when I was in the government service; and the director of the budget has received severe criticism on the floor of the United States senate because of his total disregard of the views of the public upon estimates for appropriations. Our government is a government by the people and the public should have full opportunity to be heard on the budget and due consideration should be given to their wishes.

The rules of the budget bureau with reference to estimates submitted by the executive departments are so stringent that no government officer of the executive departments is allowed to comment on the adequacies or inadequacies of the findings of the bureau. The result is that no matter how seriously the operations of any department or establishment may be affected, neither the official head of a department nor the head of any individual establishment is permitted to give publicity to the actual facts respecting the treatment which his estimates receive. Under this procedure it is very easy for the bureau of the budget to make so-called savings, which in many cases are not savings at all but simply denials of appropriations.

It is unquestionably true that the head of an executive department of the national government should be given full administrative authority to run his department as he considers best in the interest of the public. It is not proper that the stringent rules of the budget bureau should destroy the initiative and administrative control of the officials.

The budget system of the national government is of the greatest importance, but it is rapidly losing favor and will undoubtedly go into discard through opposition of the people unless some liberal and less czaristic control is put into effect and the strict methods now followed by the bureau of the budget are discarded in favor of open hearings at which the public can express its views.

SAME CRITICISM APPLIES TO COMPTROLLER GENERAL

Another important phase of the business of the government relates to the activities of the general accounting office, whose director is called the comptroller general of the United States. This office was created by the same act that created the bureau of the budget and has entire jurisdiction over the expenditures made by the different departments. It checks up and audits disbursements to see that the laws are carried out.

But there are many things in this establishment, as well as in the bureau of the budget, which require revamping. I am making this statement not all in the way of criticism but simply because I am well acquainted with all of the inside workings of these organizations and know to what extent they are coercing or hampering the executive departments and establishments in the proper administration of government business. I also know that the federal employees are not allowed to speak above a whisper in reference to the activities of these two bureaus, and I feel the views of one who is acquainted with the through government service may be of some value in placing this matter before the public.

SOME PROBLEMS FACING BOSTON'S NEW MAYOR

BY GEORGE H. McCAFFREY

Boston Good Government Association

Mayor Nichols's office is no goodly heritage.

WHILE Boston has again shaken off its "old man of the sea," Mayor Curley, it has by no means shaken off the harmful administrative and financial effects of supporting that incubus for the past four years. The task of the new mayor, Malcolm E. Nichols, is, therefore, unenviable from most angles, but particularly those of finance and internal departmental administration.

EFFICIENCY OF PERSONNEL MUST BE RESTORED

The capable and aggressive group of department heads gathered by Mayor Peters between 1918 and the end of 1921 was quickly replaced by Mayor Curley with political appointees of far lower average ability, and as his administration continued the average sank further. There was a corresponding slump in the morale within the departments from the high level which it had reached under Peters. Favoritism once more became apparent both in discipline and in salary increases. Honest and courageous employees were punished and hampered. The new mayor faces the task of replacing the incompetent department heads with better men. Strong men will not be easy to find, for the salaries now paid have been increased little, if any, since 1910, and were then none too high. The way has been opened, however, for some increases, by raising the mayor's salary from $10,000 to $20,000.

The new mayor must also attack the still more difficult task of restoring the morale and efficiency of the departmental personnel, always more slowly responsive to fair treatment than to the intimidating methods of a Curley. He must do so, moreover, with little recourse to salary increases for this purpose.

By brazen abuse of administrative discretion, Mayor Curley made a sham of awarding city contracts to the "lowest responsible bidder" and seriously impaired the city's reputation for square dealing in this respect. The extent to which this abuse had gone was illustrated last December by the rejection of a responsible firm's bid to refurnish the city council chamber for less than $6,000, and the awarding of the contract to a little-known company for $16,500. This particular case was so raw that after it was exposed by the Finance Commission payment was stopped, but the fact that a contract could be awarded under such circumstances indicated clearly the policy of the administration. This abuse has stopped, but it will take time before the city secures the full benefit of this cessation in the competition for new contracts.

BETTER RELATIONS WITH LEGISLATURE

The Massachusetts legislature keeps close control on Boston's city government, especially in financial affairs. During the Curley administration the legislature had so little confidence in the city government that little or no progress could be made in any direction. This condition should be more easily remedied than the others, because Mayor Nichols has served in both houses of the legislature, is popular with many of its present leaders and is the first Republican to be elected mayor since 1907. It is probable that his requests concerning legislation will be at least more favorably considered than those of his predecessor.

A major problem, which must be so considered, is the devising of some method by which the business and social district, embraced by the term "Metropolitan Boston," can be officially recognized and progress in coordinating the affairs of its forty cities and towns begin. That task is difficult because of local traditions, natural complexity and the inertia to be overcome, but it has been undertaken and although little will be accomplished this year, the matter will be pushed steadily. Another large problem is the plan to construct a new, main thoroughfare around the business district at a cost variously estimated to be from $22,000,000 to $30,000,000. The traffic congestion prevailing in Boston's business district is indubitable, but strong arguments are made both for and against this plan. The bulk of popular support appears to be in favor of the plan, but if it is adopted the financial burden will be so considerable as to preclude action on many other meritorious but smaller improvements elsewhere, and any increase in the financial burdens will be most inopportune at this time. Mayor Nichols has declared himself as yet unconvinced that this plan should be adopted.

HIGHER TAX RATE INEVITABLE

Like other cities, Boston has felt the financial strain of the post-war demand for improvements and extensions. Expenses of the city would inevitably have increased even if the last administration had been economical and efficient. It was the opposite, but through the increased revenue from the building boom, discarding the pay-as-you-go policy in some ways, borrowing as heavily as possible, increasing the tax rate two dollars and a fortuitous shortening of the last fiscal year to eleven months, the day of reckoning was postponed.

Now the piper must be paid. Mayor Nichols considered the situation so critical that he devoted his entire inaugural address to it. Boston needs $8,300,000 additional tax revenue this year. That means increasing the tax rate from $26.70 to $32. The alternative is to reduce the increase now and face much greater increases later. The mayor inclines to the former choice. He has indicated his intention to abandon the pay-as-you-go policy in new school construction, which has been followed for ten years, to the extent of paying for half of such construction out of bond issues. Still further increases would be necessary to meet the cost of any large-scale improvements, except an increase in the police force. It would be possible, however, with this increase to stop issuing bonds to repave streets, which the Curley administration revived last year.

The Finance Commission dropped its practice of carefully reviewing departmental budget estimates in 1922, because the work was futile in view of Curley's insulting attitude towards its recommendations. This work has now been resumed and, with their assistance, Mayor Nichols can undoubtedly make the segregated budget a bulwark of economy instead of a cloak for extravagance.

Boston now has a council of twenty-two members, one elected from each ward, in place of its old council of nine elected at large. As usual, a minority of those voting elected all the members, and the proportion of able men with sound ideas is not much changed from the old council. One of the ablest members was unexpectedly chosen president through a division of the "gang" forces, but it is still too early to predict how difficult the task will be to square the needs of the whole city with the demands of each ward. It is safe to predict that it will not be easy even by comparison with the other labors of the new mayor.

ZONING HELD CONSTITUTIONAL IN ILLINOIS

BY NEWMAN F. BAKER

Graduate Fellow, University of Chicago Law School

THE recent decision by the supreme court of Illinois in the case of *City of Aurora* v. *Burns, et al.* (No. 16137) has settled the question of the constitutionality of zoning in that state. Illinois passed an enabling act in 1921 and amended it in 1923. Under these acts thirty-six Illinois municipalities have zoned, relying upon the supreme court to uphold such ordinances at a later date.

FIRST OPINION UNFAVORABLE

In February, 1925, the supreme court decided the case of *City of Aurora* v. *Burns* and, while the court did not hold zoning to be unconstitutional, grave doubt was cast upon the validity of comprehensive zoning ordinances. The court cited cases upholding zoning and then cited cases which purported to hold zoning to be an improper exercise of the police power. The court went on to say that "in view of our conclusion on another question presented, it will not be necessary for us to decide, and we do not now express an opinion on, the fundamental question whether legislation zoning cities in the manner attempted by the ordinance here involved is a proper exercise of the police power."

The court held the Aurora ordinance invalid as contravening section 22 of article 4 of the Constitution of 1870, which provides that the general assembly shall not pass local or special laws granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever. It seems that within the "B" district of Aurora there were already established twelve grocery stores before the appellants were denied the permit to erect a store in the restricted district. Section 14 of the ordinance contains this provision: ". . . provided, that nothing in this section shall prevent the continuance of the present occupancy or use existing at the time of adopting the ordinance." Hence, the law was *not retroactive* and the existing stores were allowed to continue as non-conforming uses. The court saw discrimination in this. To the court it appeared that the appellant was forbidden to erect the store which he desired, while in the same district there were twelve other stores in operation, selling the same kind of goods which the appellant desired to sell, occupying the same kind of building from which the appellant was excluded. Citing *People* v. *Kaul*,[1] *City of Cairo* v. *Feuchter*[2] and *Tugman* v. *City of Chicago*,[3] the court held the ordinance unconstitutional as an illegal discrimination in favor of non-conforming uses.

While this decision did not declare zoning to be unconstitutional it made it almost impossible to zone a city in a comprehensive way. In a city such as Chicago it would cause great hardship to enforce retroactive provisions and oust existing stores when they constituted an honest and lawful investment at the time they were made. The court intimated that the difficulties caused by its decision could be obviated by creating districts that would not be "as large or as uniform as might be desired in many instances," i.e., by making a business district for each of the alien uses. But it is seldom, in developed parts of cities, that districts of a given character are entirely without buildings devoted to an alien use. While it might be possible theoretically to design districts under these circumstances, it would be extremely difficult in the larger and older cities. The decision was widely criticized and a rehearing was granted.

COMPREHENSIVE ZONING CONSTITUTIONAL ON REHEARING

In December, 1925, the supreme court handed down its decision on the rehearing and held comprehensive zoning in Illinois to be constitutional. The Court said:

> The constantly increasing density of our urban populations, the multiplying forms of industry and the growing complexity of our civilization make it necessary for the State, either directly or through some public agency by its sanction, to limit individual activities to a greater extent than formerly. With the growth and development of the State the police power necessarily develops, within reasonable bounds, to meet the changing conditions. The power is not circumscribed by precedents arising out of past conditions, but is elastic and capable of expansion in order to keep pace with human progress.
>
> The State imposes restraints upon individual conduct. Likewise its interests justify restraints upon the uses to which private property may be devoted. By the protection of individual rights the State is not deprived of the power to protect itself or to promote the general welfare. Uses of private property detrimental to the community's welfare may be regulated or even prohibited. The harmless may sometimes be brought within the regulation or prohibition in order to abate or destroy the harmful. The segregation of industries, commercial pursuits, and dwellings to particular districts in a city, when exercised reasonably, may bear a rational relation to the health, morals, safety and general welfare of the community.

Moreover, the court saw no discrimination in the failure to make the ordinance retroactive. It is interesting to note that the opinion reviews the cases cited in support of its former opinion and now finds nothing in them upon which an argument against the constitutionality of the ordinance can be based. The court said:

> Zoning necessarily involves a consideration of the community as a whole and a comprehensive view of its needs. An arbitrary creation of districts, without regard to existing conditions or future growth and development, is not a proper exercise of the police power and is not sustainable. No general zoning plan, however, can be inaugurated without incurring complaints of hardship in particular instances. But the individual whose use of his property may be restricted is not the only person to be considered. The great majority, whose enjoyment of their property rights requires the imposition of restrictions upon the uses to which private property may be put, must also be taken into consideration. The exclusion of places of business from residential districts is not a declara-

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[1] (1922) 302 Ill. 317, 143 N. E. 740.

[2] (1895) 159 Ill. 155, 42 N. E. 308.

[3] (1875) 78 Ill. 405.

tion that such places are nuisances or that they are to be suppressed as such, but it is a part of the general plan by which the city's territory is allotted to different uses in order to prevent, or at least reduce, the congestion, disorder and dangers which often inhere in unregulated municipal development. . . . Even if appellants' property could be used more profitably for business than for residential purposes, that fact would be inconsequential in the broad aspects of the case. Every exercise of the police power relating to the use of land is likely to affect adversely the property rights of some individual.

This decision was very welcome to the state of Illinois and it relieved the uncertainty of the past two years as to the validity of a great variety of ordinances and restrictions. The *Aurora* case undoubtedly will be considered an important precedent in other states should the question of the existing non-conforming use arise.

MUNICIPAL TAXATION OF BILLBOARDS

BY HARRY BARTH

University of Oklahoma

The billboard tax has been sustained by the Supreme Court but the methods vary widely and are sometimes inequitable. :: :: ::

THE constitutionality of the taxation of billboards was decided favorably in the case of the *The St. Louis Poster Advertising Co.* v. *the City of St. Louis*, 249 U. S. 269. The tax in question was quite nominal, one dollar for every five lineal feet, but this does not detract from its potency as a precedent. The decision in favor of taxation was broad and sweeping. Justice Holmes, with the assent of the entire court, announced that, "If the city desires to discourage billboards by a high tax, we know of nothing to hinder, even apart from the right to prohibit them altogether, asserted in the Thomas Cusack Company's case." This is permission to go the limit. The decision places beyond dispute the great many taxes now placed on the business, and any taxes which may hereafter be levied.

WHY BILLBOARDS SHOULD BE TAXED

The reasons for taxing billboards are almost self-evident. In the first place, billboards are coming to be looked upon as unsightly and unhealthy. That they are unsightly is evident to the least developed aesthetic sense. That they are unhealthy, because they furnish a breeding ground for disease in the rubbish which accumulates around their base, has been recognized by the supreme court of the United States (*Thomas Cusack Co.* v. *Chicago*, 242 U. S. 526). They also furnish a source of fires. In any country where the annual fire loss is as overwhelming as in the United States, due precaution should be taken to lower the possibility of conflagrations. Elimination of billboards and the rubbish which inevitably accumulates near them seems logical. In

EDITORIAL NOTE.—A table showing methods of billboard taxation in selected cities, prepared by J. Russell Hogge, has been submitted by Mr. Barth and will be sent on a loan basis to any one interested.

addition, they provide a convenient screen for footpads and also serve to hide immoral practices.

In the second place, they depreciate property values. A building loses anywhere from five to twenty-five per cent in value through the location of an adjacent billboard. Taxation will tend to restrict the erection of billboards, and in that way remove unsightly, unhealthy objects from our environment, and objects which tend to lower real estate values.

In the third place, the taxation of billboards furnishes an additional source of revenues for our cities, many of which are hard pressed for funds to carry on even the minimum activities associated with municipal government. Just what the gross receipts and net profits of the billboard business are cannot be ascertained. Estimates place the number of cities and towns with one or more bill posting establishments at between nine and ten thousand. Other estimates show that in one hundred and forty-three leading cities there are two hundred and fifty thousand electric signs. An estimate as to the volume of the business of painted signs plants is $28,000,000 per year.[1] This evidence is sufficient to warrant the assumption that the industry is sufficiently large to bear a considerable tax burden.

DIFFERENT FORMS OF TAXATION

Various methods are employed in taxing billboards. One is to levy an annual license tax. This tax may be graduated according to the area of the billboard. The tax of the city of Alameda, California, illustrates the principle involved, though it is too high in amount to be typical. Billboards with an area of less than a thousand square feet are taxed $100. Areas up to ten thousand are taxed $150, to twenty thousand, $200, and above this amount, $300.

Contrasted to the tax on area is the flat rate unit tax, which represents no attempt to grade according to any standard. It merely places a tax on any sign in the billboard category, and is not widely employed. Yonkers, New York, with an annual tax of $2 on each board, Sheridan, Wyoming, with an annual tax of $25, and Omaha, Nebraska, with an annual tax of $250 are illustrative. The flat rate license on bill poster concerns is similar. This tax is placed on each individual concern regardless of the amount of business done. In the smaller towns, it is usually expressed as a certain amount of money per day, in the larger it is assessed annually. There is no uniformity in the amount charged. The tax of Springfield, Missouri, of $75 annually on firms doing out-door advertising is typical. Belleville, Illinois, with an annual tax of $25, a six months' fee of $12.50, and a fee of $3 daily is illustrative of small towns.

Of course, there is some doubt as to whether some of these so-called taxes are really taxes at all. It depends entirely upon the degree of special benefit conferred in return for the sums exacted. Probably, however, there is usually no special benefit, and therefore the exaction may be properly looked upon as taxation.

The only tax which attempts to grade in accordance with value is that levied according to gross business. This is quite popular. Bellingham, Washington's, tax of one-half of one per cent of gross revenue is illustrative. Usually, however, the tax is stated as a fixed amount between definite limits. The tax at Birmingham, Alabama, placing a charge of $25 where the business is less than $5,000, $50 where the business is between $5,000 and $10,000, $100 where the business is between $10,000 and $15,000, $150 where the business is between $15,000 and $25,000, $300 where the business is between $25,000 and $35,000, and $350 for business over $35,000, is a usual one.

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[1] Crain's *Market Data Book*.

ARE THE TAXES LEVIED PROPERLY?

This brief survey of billboard taxation naturally brings up the question: To what extent do these taxes conform to equity, to what degree are they in accordance with taxation principles? What should be the characteristics of a model system of billboard taxation?

Clearly a tax which is not graduated in accordance with value is inequitable. To grade the tax merely in accordance with the size of the billboard does not achieve equity. What is much more significant, the location of the board, is seldom employed as the index. Baltimore grades the tax on electric signs in accordance with streets. On the main streets the tax is twice as heavy as on those of secondary importance. This tax is, however, unique. The flat rate unit tax is, of course, much more inequitable than the tax graded in accordance with area. The flat rate license on bill posters is equally inequitable. Regardless of the quantity of business, the tax remains fixed.

The only tax which conforms to value is that on gross production. The chances are that a firm charges rental for billboard space in direct proportion to the value of the location as an advertising medium. A board at the end of a street, furnishing an unobstructed view of the advertisement, will be valued accordingly. A board on a street frequented by persons in large numbers, with considerable incomes, will also be charged for accordingly. To assess gross receipts will, as a result, tax the value of the board with exactness. No better test of values may be secured than the judgment of the men who deal in the commodity.

Several other questions arise in connection with a tax on gross production. Will the tax be shifted? And, to the extent which it is not shifted will it conform to the ability to pay?

Usually when a gross receipts tax is considered, it is condemned on the ground that it can be shifted. It is true of course that a tax on gross receipts is usually shifted, because the marginal producer is taxed along with those who are more prosperous. Probably the tax on billboards will be shifted in large part. But is this a defect? Shall we who are interested in eliminating the billboard nuisance object if the advertiser bears the burden of the tax? Decidedly not; in fact, nothing is more in accord with our desires. After all, it is the advertiser whom we wish to reach. It is he in whom inhibitions should be set up. He should be hindered in his desire to parade his product before the public eye.

Assuming, however, that due to an inelastic demand, part of the tax may not be shifted, will the tax as borne by the bill posting companies conform to ability to pay? To answer this question a study of the costs of various firms in the industry would first have to be made. We cannot be dogmatic without facts. We can make some guesses. Most of the labor in the industry is manual. In addition, the business is relatively simple to conduct. Probably, therefore, there is no great variation in costs, which are likely standardized. With standardized costs, the assumption may be reasonably made that an assessment against gross receipts will be equitable as between competing concerns.

Another factor enters to make gross receipts the index for taxation. Any accounting system shows gross receipts. This makes the tax easy to collect. In addition it removes suspicion on the part of competitors that other firms are evading the tax.

The tax should be expressed in terms of a percentage. Most of the taxes, as stated above, are fixed amounts within stipulated limits. Within any limits, these taxes are regressive. A percentage eliminates this defect, and serves to protect the smaller competitor who is discriminated against by most of the taxes now employed. The tax of San Francisco is illustrative. This places a tax of seven and one-half per cent on receipts under a thousand dollars, four and one-half per cent on receipts of $1,999, one and one-half per cent on receipts of $9,999, and less than one per cent on receipts of $24,999.

As to the amount which the tax should levy, little can be stated. The average tax now does probably not exceed one per cent of gross income. It could reasonably go ten per cent. There are two criteria by which to judge, and upon the one selected will the amount of the tax depend. Is the tax to be for revenue? Or is it to be for protection against eye sores? Regardless as to the object selected, a test as to the proper amount will have to be made for each individual city.

THE CONFERENCE ON POLITICS

AN APPRAISAL FROM THE MEMBERS' VIEWPOINT

BY MARTIN L. FAUST
University of Pittsburgh

Frank criticism, as well as frank confession, is good for the soul. The other side of last month's rosy picture of the Conference. :: ::

My appraisal of the Conference on the Science of Politics is based on the experience of the members of the rank and file who have attended one or more of the three annual meetings. The ultimate objective of the Conference, I believe, is a more intelligent control of the process of government. In the furtherance of this end, the more immediate and specific aim is the application of the methods of science to the material and facts of politics. But why, we may ask, should we in the pursuit of these objectives convene a Conference? Why have a national conference on the science of politics? The answer is, I believe, because the problems of methodology present such insuperable difficulties that we can proceed to their solution only by the method of co-operative intellectual inquiry. The co-operative working of many minds and of the best minds seems to be the only hope we have of acquiring a competent acquaintance with the whole of this vast realm we are attempting to explore. Moreover, this is the age of conference.

PERFORMANCE DISAPPOINTING

With these introductory remarks as a background, I wish now to proceed to the appraisal of the Conference in the light of specific performance. I base my comments on communications which I have received from members of the rank and file who have been in attendance.

It is my sincere belief that the conviction permeates the rank and file that the Conference has not made appreciable progress on the road towards the achievement of its avowed objectives. Interpretations of the results of the conferences invariably reflect pessimism, despair, and disillusionment. I quote the following from letters of the members illustrating this general attitude:

"I do not feel that the group unearthed any new ideas or plans of procedure for research."

"My views with regard to the Conference are decidedly pessimistic."

"My own opinion was that the Conference was declining."

"Our round table, at least, was far from a success."

"It does not seem to me that this Conference contributed anything toward raising politics to the status of a science."

"On the whole the characteristic of the entire Conference seemed to be one of desperate and rather blind hopefulness. It was a progression in a labyrinth."

"The round table which I attended was a flop."

These are typical statements. These statements, I wish to emphasize, are not comments of casual visitors. But they are expressions of opinion by members who have been conscientious in their attendance at the meetings of one or more of the Conferences.

The first criticism of the rank and file is that the Conference round tables cannot get very far in the development of methods merely by discussing the ideally best way of approaching the subject. The Political Research Committee of 1923 in a report cautioned against this very thing:

> Methods of approach to politics may easily be the most sterile subject of inquiry, if not followed by actual trials and tests. The discussion of methods has its greatest value as a by-product of specific undertakings, as an analysis of the strength and weakness of various going tasks of scientific political inquiry, in connection with actual pieces of investigation.

The follow-up work, so far as I am aware, has been negligible. It certainly has not by any means reached its potential limits. It is only through experience with specific research problems, which we can present for criticism, that we can make these conferences interesting and beneficial. As one member expressed it to me, "How in the hell can we know what an ideal test is, until we actually work with it in connection with practical politics?" Unless talk is supplemented by experimentation, much of the value of what the conferences stand for is lost. While method is absolutely essential to scientific investigation, it is after all a means to an end, and the end must justify the method. Methodological discussion alone will not develop much in the way of scientific advance.

PREPARATION IS LACKING

A second criticism, and one which is the logical consequence of the condition referred to in the first criticism, is the lack of preparation on the part of both leaders and members of the round tables. This criticism has particular applicability to the New York Conference. A failure to formulate with precision the subject matter was conspicuous in certain round tables, and as a consequence in such instances, a considerable part of the time was spent in very aimless discussion. Unless by careful preparation we more clearly articulate the precise problems in advance of the meetings, we cannot expect during the comparatively short period of the conference to achieve results of genuine value. A lack of appreciation of the problem inevitably tends to drive the discussion very far afield. It is highly important that data of a descriptive character which is to be presented to discuss validity of method should be reduced to proportions susceptible of round table criticism.

Again, if the Conference is to achieve any signal success, continuity in personnel and continuity in subject matter are indispensable. Continuity in round table leadership is particularly essential. It is only as we accumulate experience by successive attacks on the problems of method that we can hope to make any scientific advance. One of the chief defects in the past has been that the personnel of the groups has changed from year to year, making it necessary to begin all over again every year. The value of the Conference can be increased an hundredfold, if a nucleus of veterans can be kept in each group.

PERSONNEL FORGETFUL OF REAL PURPOSE

Another circumstance which seems to be a cause of irritation is the fact that there have been in attendance at the meetings a number of persons forgetful of their real purpose, that of inquiring into and discovering principles and methods of research. These persons were constantly seeking to get specific information on the particular problems in which they were interested, instead of trying to develop methods of investigation into those problems. These persons who were completing their education in public not only had little to contribute to the formulation of scientific methods, but they actually proved a handicap to the round tables with which they were identified. Leaders of the round tables also in some instances, it seems, have not caught the spirit of the Conference, since they directed the work of their round tables with reference to the study of particular projects, and not with reference to questions of the scientific method of investigating those projects.

But I come now to what I presume is the crucial factor in the success or failure of any institution, that is the human factor, the factor of personnel. Very vital to the success of the Conference is this factor of personnel. Unless we can attract to these conferences men of imagination and genius, individuals representing a variety of experience as well as an accumulation of experience, our meetings are foreordained to failure. I believe the Conference has been declining in the opinion of the rank and file, because the number of really important people present has been relatively few. A large part of the membership at the different round tables has included novices, and among them I classify myself, individuals who are eager, interested, and open-minded, but more or less empty-minded. In the past, leaders of certain round tables have not only been inadequately prepared, but occasionally the men chosen have not been men of recognized standing and experience. It is also regrettable that among those conspicuous by their absence were the individuals from the kindred although not identical disciplines who by their presence might have added their cynicism to the embryo discussion of methodology as applied to the problems considered. Members of the rank and file are also emphatic in their belief that we should enlist the services of some engaged in practical administrative work. In order to attract competent leaders, experienced individuals from the allied sciences, and competent men from practical administrative work, it is suggested that we compensate such persons for their services.

NEW YORK TOO DIVERTING

Finally, I might add that many of the rank and file attribute the failure of the last Conference to the fact that it was held in New York City. Many of the important people from the East expected by reason of this change in location did not appear. But meeting in a large city where there are a thousand and one distractions is regarded by many as a serious mistake. Instead it is suggested we pick some more bucolic spot where we can commune together in an atmosphere of peaceful pondering and sweet reasonableness.

Members of the Conference—with the exception of a few who are avowed agnostics on the objectives of the Conference—urge the continuance of the National Conference on the Science of Politics. But they are firm in their belief that it must be a modified continuance. We can no longer assemble for a week, talk about methods of scientific inquiry, adjourn and immediately forget all about the matters discussed, come back again another year and go through the same ritual. If the Conference is to succeed in the future, we can no longer muddle along as we have in the past. Our haphazard methods of conference procedure must become truly scientific.

THE MARYLAND ONE-MAN CIVIL SERVICE COMMISSION

BY OLIVER C. SHORT

State Employment Commissioner of Maryland

The Conference Committee on Civil Service, in its report published in the January issue of Personnel Studies, could not agree upon any single type of civil service commission as the best. Among those discussed was the one-man commission, new to the United States, but in force in Maryland since 1920. :: :: :: :: :: ::

In the United States there are three one-man civil service commissions: St. Paul, Minnesota; State of California and State of Maryland. The five province commissions of Canada are also one-man commissions, although the functions exercised by the Canadian commissions differ in many essential respects from the functions usually exercised by commissions in the United States. In the Canadian provinces, the commissioner exercises considerable control over inter-departmental organizations, reorganization and personnel adjustment.

In St. Paul, the city comptroller also serves as commissioner of the civil service bureau, and under him is a trained, experienced secretary and chief examiner, who devotes full time to the duties of administration of the merit system law of the city.

Until June of 1925 the commission of the state of California consisted of an executive member and two associates. The executive member devoted a great deal more time to the duties of the office and was paid a larger compensation, than the associate members. By act of legislature the positions of the two associates were abolished, and the compensation of the executive member increased, so that, since June of 1925, the California state commission has been a one-man commission.

FUNCTIONS CLASSIFIED

In describing how a one-man civil service commission handles his office, I am manifestly speaking for the Maryland commission only. The essential features in connection with the administration of a merit system law are obviously the same, but the procedure, details and routine of administration, must differ in accordance with individual characteristics of the administors and will be governed by local conditions.

Broadly speaking, the functions of any civil service commission are of three types; quasi-legislative, quasi-judicial, and administrative. The quasi-legislative functions include such matters as the formulation and adoption of rules and regulations which have the effect of law, the adoption of duties or occupational classification plans, that is, putting into effect and keeping effective a complete job specification and the exercise of varying degrees of responsibility with regard to the development and administration of compensation plans. The quasi-judicial functions include such matters as investigations of the operation of the law under which the civil service commission operates or of the personnel matters in general, the designation of positions to be included in the various sub-groups of the classified service, the cancellation of employment lists, the conduct of investigations and the holding of hearings in connection with the removal of employees against whom charges are brought. In connection with some of these matters, the civil service commission holds public hearings, sits as a judicial body and is given the power to subpoena witnesses, to administer oaths, to compel the production of papers, and records, and to make and enforce findings. The administrative functions include such matters as the scheduling and holding of examinations, the preparation and rating of examination papers, the conducting of personal interviews, the preparation of employment lists, the certification of eligibles, the maintaining of departmental rosters, the checking of payrolls and the handling of correspondence, the preparation of hearing rosters and the maintaining of official contacts with other departments and institutions in all personnel matters.

THE LAW AS AT FIRST IN FORCE

The merit system law of Maryland, when adopted in 1920, provided for a part-time salaried one-man commission, and under him a full-time experienced secretary and chief examiner, who should be in charge, under the commissioner, of the administrative work in connection with the office. This condition existed until 1922, when, by legislative action, the position of commissioner was made full-time without any change in salary. The amended law provided that the duties heretofore performed by the secretary and chief examiner should be handled by the commissioner.

During the period from 1920 to 1922 the commissioner did not maintain an office or desk at the office of the commission, but retained in his private office separate files of literature, civil service data and copies of correspondence, both of that which he himself wrote, and much of that written by the secretary and chief examiner. The layout of the civil service office with equipment, files, forms, etc., was planned, with the evident intention that the secretary and chief examiner should be the chief administrative officer of the commission, and should be allowed practically a free hand in the conduct of the office, the assignment of duties to the various employees, the preparation of questions and rating of examination papers, and other details of administration. No regular commission meetings were held.

In connection with the quasi-legislative functions, it was customary for the secretary and chief examiner to work out plans, prepare in tentative form duties or occupational classification, draft changes and amendments to rules and regulations and the duties classifications, plan and work out in tentative form other matters of such nature, and then meet with the commissioner in his private office and go over such questions in detail for his suggestions, changes, alterations, amendments, approval, and adoption or decision for rejection.

In connection with the quasi-judicial functions, it was customary for the secretary and chief examiner to record all matters pertaining to the operation of the law which came to his attention at the office of the commission, or were brought out as a result of his investigations among the departments and institutions of the state government; to handle the correspondence in connection with suspensions and removals; to prepare rosters of hearings in connection with charges brought against employees; to subpoena witnesses in the name of the commission and to arrange for the time and place of hearings. While the commissioner, under the law, had the authority to designate the secretary and chief examiner, or any member of his office or even to select separate boards to hear the testimony in connection with charges and administer oaths incident thereto, he never so delegated the power, but instead heard all such cases in person, rendered his decisions and issued the orders in connection with his findings.

CLOSE CONTACT WITH DEPARTMENT HEADS

The commissioner maintained a rather intimate relationship with the heads of the departments and handled at his private office many matters of a quasi-legislative and quasi-judicial nature and certain administrative problems. Often department heads, interested citizens and representatives of organizations would correspond directly with him, communicate with him by telephone or visit him at his office. Many matters in connection with the administration of the merit system law were disposed of by him without their being turned over to the secretary and chief examiner or made matter of record at the time in the civil service office. Records were kept, however, in the civil service file at the commissioner's office, and all essential papers later were sent to the office of the commission.

Although many such informal and some formal conferences were held at the commissioner's private office, the chief official contact of the commission with the appointing authorities was made through the secretary and chief examiner. It was a studied policy of the commissioner to refer inquiries to the office of the commission even though he was able to handle them himself, inasmuch as he was an ardent advocate of the merit principle and a student of its application, and it was an evident desire on his part early and definitely to establish the state employment commission as a recognized department of the state government.

In connection with the administrative functions of the office, the secretary and chief examiner was left practically a free hand. The commissioner frequently reviewed questions prepared for examinations, occasionally checked up on the rating of papers, passed upon changes in forms used by the commission and was responsible for the departmental policies. He never personally conducted any of the examinations and he left the details of certification, appointments, records, pay roll checking and office statistics to the attention of the secretary and chief examiner.

AMENDMENT FURTHER CONSOLIDATES THE OFFICE

The amendment to the merit system law of Maryland that was adopted in 1922 would not have gone into effect until January 1, 1923. It was manifest from the time of the passage of the act that the existing commissioner would not be interested in accepting the full-time position, and it was evident that, unless a decided retrogression was to take place, the commissioner appointed under the amended law should be a person familiar with civil service practices and trained and experienced in the administration of merit system laws. But in March of 1922, the commissioner met with a fatal automobile accident and the governor appointed the secretary and chief examiner as commissioner for the unexpired term. Even though there was almost a full year of operation before the amended law should go into effect, the newly appointed commissioner did not select a secretary and chief examiner, but began at once the administration of the law in accordance with the manifest intention of the amendment recently adopted.

Since April 1, 1922, the Maryland state commission has, therefore, functioned under a one-man full-time commissioner, with full authority and responsibility in connection with the quasi-legislative, quasi-judicial and administrative functions, and subject directly to the governor.

The commissioner conducts all interviews and hearings at the office of the commission, except such as are arranged at the offices of department heads, or elsewhere at the convenience of interested parties. He handles and is responsible for all matters of a quasi-legislative nature and of a quasi-judicial nature. He has, however, taken advantage of the provision of the law whereby he may select a board to hear and submit its findings in the matter of charges in connection with removals. This provision for delegation of authority is not an established practice, but is used only in particular cases. He is in direct charge of the office organization, prepares or supervises the preparation of all examination questions; rates or supervises the ratings of all examination papers; is chairman of all personal interview boards in connection with special examinations; establishes and is responsible for the policy of the department; and maintains the official contact with the heads of other departments, interested persons and organizations, and the public in general.

The staff of the commission consists of a chief clerk, a stenographer and two other clerks, with occasional additional clerical assistance on peak loads. One of the regular clerks assists in connection with examination processes, devoting the greater portion of her time to the scheduling of examinations, the arranging questions, the compiling ratings and the preparation of employment lists. The other clerk devotes most of her time to the checking of pay-rolls and making roster changes. The chief clerk handles the financial records of the office, keeps up with the office needs in the way of supplies and equipment, requisitions and follows up orders, handles the advertising, receives and records requests from state agencies for help and interviews applicants for a number of the lower grade positions in the service. The stenographer handles the general office correspondence. There is no sharp separation among the duties of the several persons connected with the office. A general over-lapping of duties is essential in completing and carrying out much of the office routine and many necessary details.

Special examiners are used in connection with some of the higher grade examinations. The majority of these render their services without charge, while others are paid on the per diem or per piece basis.

The commissioner is the commission's representative at the various national conventions dealing with personnel matters; is a technical consultant for the Bureau of Public Personnel Administration; establishes contact with civic groups, men and women organizations throughout the state and in other states, and is a member of the governor's cabinet.

THREE TYPES COMPARED

Since 1918, the people of Maryland have witnessed the operation of three types of civil service commissions; the part-time salaried one-man commission, with a secretary and chief examiner; the full-time one-man commission without a secretary and chief examiner; and in the city of Baltimore a three-man, non-salaried board, with a secretary and chief examiner as administrative officer.

The feeling is rather general in Maryland that it does not make very much difference which method obtains, provided the law is administered efficiently, honestly and in good faith. The fewer the number on the commission, the quicker the action. If the action is good, the results will be good. If the action is bad, the results will be bad.

The complete fulfillment of the functions of the civil service commission means more than simply passing upon qualifications of applicants for public positions. The commission is not living up to its opportunities if it is not also an agency of co-operation, an agency with an interest in public service efficiency, an agency having, in common with the heads of the departments and institutions it is serving, an interest in public service efficiency; an agency possessed with a complete understanding of the needs and plans for growth or changes of the departments and assisting in every way possible to bring about the highest degree of efficiency so far as quality and effectiveness of the personnel are concerned.

SKETCHES OF AMERICAN MAYORS

I. JOHN F. HYLAN OF NEW YORK

BY EPEXEGETICUS

This is the first of a series of articles upon some famous municipal executives. Surely their personalities and methods deserve as close study as the charter provisions under which they operate. Later some city managers may be added (see NATIONAL MUNICIPAL REVIEW *for December for a story on City Manager Hopkins of Cleveland).*

John F. Hylan, a poor boy, born and reared in a country village, was snatched from obscurity to be elected mayor of the nation's largest city and re-elected by an enormous plurality. He turned his most vocal and vitriolic enemies into political assets and lost a third term because Tammany, fearing perhaps that he was growing too powerful, abandoned him. What were the human factors attending his rise and fall?

ON the 20th of April, 1868, in the village of Hunter, Greene County, N. Y., eight miles from where Rip Van Winkle went to sleep, there first saw the light one destined to be the mayor of the greatest city of the American Empire. Born of poor but honest parents, John F. Hylan grew sturdily on his father's farm, but soon found that his home town offered little for a youth of enterprise and ambition. At the age of nineteen he left the mountain farm and arrived in the great city with $1.50 in cash and barely a change of clothing as his worldly assets. His boat landed him in the neighborhood of City Hall. There were no skyscrapers in those days. Brooklyn Bridge, which had just been opened, towered alone over the landscape. He crossed it and found himself face to face with the transit problem, to wit, the elevated railroad which was then under construction in Brooklyn. Without stopping to enquire whether the new line would be operated at a five cent fare, he clambered up the structure and applied for a job. Working for the Stony Mountain and Katerskill Rail-Road Company back home, he had earned the little money with which he set out for New York. Hard work raised him next year to the post of fireman on one of the steam engines then used on the road. Another year or two found him a licensed engineer.

HE BECOMES A LAWYER

Now earning $3.00 a day, he felt encouraged to return to his home town and consumate a romance which his departure to the city had interrupted. The couple settled in Brooklyn, where they continued to live even after he became mayor. In all he spent nine years on the railroad, only to be "fired" in the end for almost running over a superintendent, in which matter the latter may not have been wholly without fault. The loss of his job was really of little moment to him now for he was about to take the examination for admission to the bar which he presently passed. For some years back, virtually since his marriage, he had been studying diligently in his spare hours at grammar and law school. Whether this abrupt termination of his connection with the railroad company convinced him that the "traction interests" were the indefatigable enemies of the people, we cannot say. It is certain, however, that despite the brief and limited character of his experience with urban rapid transit, he ever after felt supremely confident that there was nothing that anyone could tell him about that or any kindred subject. When, twenty-eight years later he was testifying in connection with a transit investigation, he brushed aside impatiently all the findings of engineers and railroad experts, with the announcement that he was "an old railroad man."

The ten years of law practice were doubtless among the most important and are certainly now the most obscure in the career of the future mayor. His name never appeared in connection with a single important case. His work brought him frequently into the police courts and he handled as well a small volume of petty civil litigation. His practice threw him in with a rather strange assortment of individuals such as is found at the foot of the legal profession in any large city. During this period he developed a little group of close associates with whom he never ceased to be identified during his public life. One was a lawyer who had several times been indicted and once threatened with disbarment. Another was also a lawyer afterwards indicted for bribery and removed from office; a third was a vaudeville entertainer later to turn politician. Abler than he by a good bit and probably less scrupulous, they were to be his mentors for the next twenty years.

ENTRANCE INTO POLITICS

The law also left him leisure for politics, in which he appears to have become interested almost as soon as he came to Brooklyn. He had served his apprenticeship about the district club, faithfully and loyally, and he was now "one of the boys." He was allowed to try his hand running for the municipal court bench but failed of election. Next he aspired to the senatorship but that had been promised away by the Brooklyn boss, Pat McCarren, and Hylan stood by his chief. It was presently discovered that Brooklyn was entitled to two more magistrates, whereupon Hylan mandamused Mayor McClellan to fill these posts and with the backing of McCarren secured one of them for himself. This brought him upon the city payroll where he remained for the next twenty years until his recent retirement on a $4,215 pension. Perhaps his success in obtaining the magistracy prompted his next move for he tells us that he now secured an act of the legislature increasing the number of county judges, and sure enough the governor selected him for one of the new places. A year later he was elected to the same post, and served in it until 1917.

NOMINATED FOR MAYOR

The forces and events which lead to Hylan's being selected as the Democratic standard bearer in 1917 are not easy to unravel. The following appear to be facts; perhaps there were others.

In the first place, the Democratic candidate would almost certainly have to come from Brooklyn. Chief among the causes of Mayor Mitchell's unpopularity had been his centralizing tendencies which offended the local pride of the boroughs, and of these Brooklyn was, and still is, the most provincial. Secondly, the candidate would have to be a Catholic, for the Catholics are the most numerous group in the city, especially in Manhattan, and Mayor Mitchell had offended them by certain investigations of private charities which were receiving public monies. These two circumstances tended to limit greatly the field of choice.

Another fact takes us even deeper into the intricacies of New York politics. Tammany has always been a Manhattan organization (with the Bronx more recently added as a colony). Brooklyn Democrats have always striven to maintain a separate independent organization. Between the two there was rivalry for the hegemony of the city. "The Tiger" for so Tammany is fondly called, has more than once sought to reduce the sister borough to a satrapy. Brooklyn long threatened, and, since the period of which we are speaking, has now definitely come to surpass the other borough in total population, voting population, and school population. Anticipating this, Tammany had early adopted the policy of divide and rule. It had been successfully followed against McLoughlin and McCarren and the present Boss McCooey likewise needed watching. It was bad enough to have to take a mayor from Brooklyn; to take McCooey's candidate was to be avoided if possible. The next most powerful of the Brooklyn leaders was Sinnott, "Big Jim" Sinnott, former bartender and once prominent at the Sheepshead Bay race track and now boss of Bushwick. Sinnott was Hylan's boss. He had made Hylan, politically speaking. He now made him mayor.

TAMMANY ACCEPTS HYLAN

"Charlie" Murphy accepted Hylan from Sinnott. His only contact with Hylan prior to the latter's nomination had been a conversation with him on the train from Saratoga a few months before Hylan was nominated. Murphy questioned him closely and was apparently satisfied. Hylan says that after that conversation he told his wife and daughter he would be nominated mayor.

Judge Hylan did not simulate the coy reluctance with which candidates are accustomed to approach the hustings. Indeed the henchmen to whom reference has previously been made, were already grooming him for new laurels. As county judge much had been made of his probation and domestic relations work. These gentlemen revived that and created, or became, the Allied Boards of Trade and Tax Payers Association, which diligently extolled the Judge's virtues. He himself was carefully piloted around to all the civic organizations in town or to any place where he might get the platform. But their campaign was conducted with sufficient restraint to prevent its being overdone.

CAMPAIGN AGAINST MITCHEL

The campaign between John F. Hylan and John Purroy Mitchel was a curious one. Mitchel despite his undoubted political acumen had made all sorts of political blunders. He had been a good mayor, hard-working and efficient; but he had neglected the political necessities of the situation. Personally charming, he had failed to appeal to the imagination of the people. A business-like administrator, he had failed to take account of the popular aspects of his policies. It was a dirty campaign. The Mitchel people furnished the dirt in the drier form of dust. They were frequently disingenuous. The Hylanities provided it in the more fluent form of mud. They won by 168,000.

And so on January 1, 1918, John Francis Hylan found himself in City Hall, surrounded by flowers and new-made friends, mayor of the greatest city of the Western World, perhaps of the entire world.

New York is a big city. It covers 326 square miles; it includes 577 miles of waterfront. Its government is gigantic and woefully intricate. Its budget, then $211,000,000, has since more than doubled. It employs 100,000 people. It is spending $939 every minute, day and night. The direction of a government so enormous well might give pause to anyone.

Such were the responsibilities thrust upon John F. Hylan, a man of modest gifts, if no gift for modesty. He didn't even possess the saving grace of humor. He is by no means the first farm boy of modest endowments to have had greatness thrust upon him. One thinks of a very tempting comparison. But Hylan didn't even know the wisdom of silence. The great tribute paid to him at the polls in 1917, repeated again with decisive emphasis in 1921 when he received a plurality of 420,000, the largest ever recorded in the city's history, thrilled him. Again and again he referred to it in his speeches and his pastorals. (He was a prolific letter writer.) It has puzzled profounder heads than his. He appears to have developed in time a touch of megalomania and, perhaps at the base of this, there lurked a haunting, subconscious awareness of inferiority.

FRIENDS HANDICAP HIM

To Hylan's natural handicaps, we presently have added his friends. His position and power promptly attracted to him persons who otherwise would have found him of little interest. These included both politicians and men of wealth. Conspicuous among the latter was William Randolph Hearst. An inquiry into the character and motives of Mr. Hearst would carry us beyond the scope of our present story, but one thing is sometimes overlooked. Mr. Hearst is interested in selling newspapers. Secondly, Mr. Hearst is, or at least was, politically ambitious. Having come a little short of successs on several occasions himself, he was pleased to find a high public official who would help him to realize perhaps a part of his ambitions, perhaps further his future prospects. Mr. Hearst's interest in Hylan developed first as a sort of corrollary of his attacks upon Mitchel. Mayor Hylan, finding so very much in the Hearst papers with which he could agree, became convinced, with a logic understandable enough, that Hearst was a genuine public benefactor. As time passed they became more and more intimate, and Mr. Hearst was appointed chairman of a committee to welcome home our boys from the war. Mrs. Hearst became chairman of the Mayor's Committee of Women. The Mayor lolled on the sands at Palm Beach with Mr. Hearst; opened Mr. Hearst's big motion picture theatre; praised Mr. Hearst's favorite actress; even journeyed to the Pacific coast to inspect Mr. Hearst's huge ranch. Yet this friendship with Hearst cost him many other friends and left him socially isolated; and this he felt keenly. A few rich men like Rodman Wanamaker, William E. Woodin, head of the American Car and Foundry Co., George Loft, the candy man, and Philip Berolzheimer, of the Eagle Pencil Co., cultivated him, but in general he was socially ostracised, and indeed ridiculed as few high public officials have been. His alliance with Hearst cost him also the support of practically every other newspaper in the city, though up to 1921 the circulation of the Hearst papers was probably equal to that of all the rest.

The Hylan-Hearst partnership had considerable advantage for the Mayor's Tammany backers, but it was, at the same time, fraught with serious menace because of the political instability of the powerful, ambitious Californian. Hylan became the link between the Tammany organization and the newspaper owner. On several occasions he prevented open feud and on others even enlisted Hearst's support for the Tammany ticket. He arranged in 1920 to have Al Smith invited to dinner with Hearst, at the close of which the latter called up his editors and directed them to back Smith, the only newspaper support the latter had through the last few weeks of the campaign. But the Mayor's Tammany followers were always prone to look with more or less disfavor upon his association with their former enemy, whom they never trusted, and it became more and more evident that Hylan must some day choose between Tammany and Hearst. At the close of the 1923 election, Murphy publicly banished the Hearst papers from his home. His death a few months later put the leadership of the party in the hands of Hearst's bitter foe, Al Smith.

A HARD-WORKING BUT POOR EXECUTIVE

And now for getting down to business, as the Mayor speedily did. Few mayors have ever taken themselves or their work as seriously as did Hylan. He was at his desk at nine each morning and stayed until five or six and sometimes much later. He took work home with him and toiled on it late into the night; and he arose early before breakfast and read the newspapers. The department heads were sure to hear from him if their work was criticised in the press. He was hard-working and honest, but throughout his eight long years the problems of the city and his work seem constantly to have baffled and bewildered him.

Of little consequence himself as an administrator, he showed no aptitude for the selection of able subordinates. For a while he had a very competent secretary in Grover Whalen, keen and politically ambitious, but the Mayor failed to appreciate him and Wanamaker took him into his firm. Hylan found places for most of his friends and hangers-on. Not a few of Mr. Hearst's camp-followers were "taken care of." Hylan saw nothing improper in this. In his *Autobiography* he tells us of a teacher who had helped him when he was preparing to enter law school, whose eyes had now failed him so that he could no longer follow his profession, and adds proudly that a place had been found for him in the department of water supply, gas and electricity. Another old friend from his home town, he says, was placed in the department of parks. But this attitude made rather than lost him, votes. "The People" regard this approvingly as loyalty and kindness.

It would be a mistake to suppose, however, that he dominated his administration. Of a thousand positions exempt from the merit system in the municipal civil service, he had opportunity to fill but 250. The rest were occupied by loyal party workers whom he was content to continue. All but a few of those he appointed were named at the suggestion of his party organization. Murphy said of him, and justly, "No Tammany mayor has ever been more liberal to Tammany in the matter of patronage." The departments ran themselves, keeping to the course that had been their individual tradition. Hylan neither prodded them to progress or unprecedented efficiency nor yet cast over them a withering blight of graft, corruption and incompetence.

FREEDOM FROM OLD-FASHIONED GRAFT

It was this aspect of the Hylan régime that his opponents failed to appreciate. They saw no distinction between the question of incompetence and the question of integrity. Most of the departments were run surprisingly well and with almost complete freedom from old-fashioned graft. But Hylan had almost nothing to do with this. The credit for it should probably be assigned to C. F. Murphy, the enlightened boss. The reformers could not understand how a thoroughly Tammany administration, with an incompetent like Hylan, could be free from all sorts of corruption. Again and again they invoked investigations to probe for it, but with pitifully meager results. The Almirall Grand Jury spent a whole year at it; the legislature was persuaded to send down the Meyer Committee; this was followed shortly by the Lockwood Committee, which engaged Samuel Untermeyer; but they all went home empty handed. They weakened Hylan not at all.

WELL ADVERTISED

His hold upon the people was, if any thing, increased. Amply supplied with men from Hearst's able staff, he was one of the best press-agented men in the city. They were marvelously clever in the way they sold him, just as one might a soap. His picture appeared almost daily, usually in some act of kindness or fondling his grandchild, something with human interest. On July 3, 1922, to cite one delicious example, there appeared in the *New York American*, a picture of a huge electric flag on City Hall, with an insert of the jovial-faced mayor. Below it one read: "This American Flag, the largest in the world, has been erected on City Hall by Mayor Hylan. The light from this flag will shine out on the spot where Nathan Hale was hanged by the British."

Frequently this publicity was in very poor taste. The programs of the concerts in the park bore the caption: "Mayor Hylan's People's Concerts." Others with a similar head had appended this note: "The great increase in the number of concerts throughout the parks of the city is indicative of the Mayor's desire to bring good music to the people." Any public structure that afforded the least excuse was decorated with his name, while to the very end of his administration certain streets set apart for children had stanchions with this motto:

MAYOR HYLAN'S
Committee on Recreation
PLAY STREET

If this impressed persons of finer sensibilities as vulgar, it made ten votes for every one it lost. Hylan became more and more the candidate of the common people. The upper classes held him in contempt as a mountebank, a "red-headed ignoramus." Their hostility to him seems to have been more aesthetic than rational. It became fashionable to ridicule him, and all sorts of droll anecdotes circulated respecting his intellectual and social maladroitness. Nor did Mrs. Hylan escape. Most of these stories were palpably false, yet they got back to Hylan and hurt him keenly. Perhaps some of his self-advertising and self-laudatory speeches gave the impression that he was a *brazen* demogogue. He was really sensitive. He became increasingly bitter against his assailants, especially the opposition press. The things which were sapping his personal vitality augmented his political strength. They swelled his plurality in 1921. He could as easily have been re-elected again, if Tammany had not repudiated him.

What would have happened had he been re-elected last November is difficult to imagine. His relentless task was beginning to tell on his nervous system. In 1924 he had a stroke which brought him almost to the point of death, but he recovered much of his pristine vigor. After a time, however, his nerves began to be frayed and he looked haggard. The attacks of Comptroller Craig were a great annoyance. Craig was abler by far than the Mayor, but eccentric and irascible. He plagued him incessantly even after his defeat.

TAMMANY DECIDES TO QUIT HIM

Tammany perceived the danger in the emotional strain to which Hylan was subjected. His bumptious self-confidence was giving way to petulant alternations of stubbornness and impetuosity. There were also political fears. He might become the tool of Hearst or of the elder Sinnott. On the other hand Tammany might steal his mantle for one of her own sons. The decision was reached certainly as early as the December previous to the primaries. Yet it was wise to move with great apparent hesitation and deliberation. This kept the Hylan backers guessing; it brought entreaties from the "reformers" whom it likewise left guessing.

The Mayor's real stumbling block was the transit question. For years it had been his chief stock in trade. In the end it encompassed his undoing. Transit in New York is physically, legally and politically a dreadful mess. It was almost the only topic on which he was on common ground with his opponents. Neither he nor they understood it. What he lacked in understanding he more than made up in firmness. Indeed he was motionless. His stand probably prevented the people of New York from being fleeced out of thousands of dollars, perhaps millions. If this seems harsh, let the reader examine some of the proposals that were made in the course of the last eight years.

New Yorkers, crowded and stuffed as they are twice daily in dirty subways, for some reason want more of them. It was plain that there was a deadlock that would not be solved as long as Hylan remained in the Mayor's office. But the people not only want subways; they want to ride in them for a five cent fare. Hylan had been the doughty champion of the five cent fare. He was as blissfully ignorant as his reform opponents of the economic and social questions involved in this shibboleth, but he stood stoutly by it. If its most ignorant, he was doubtless, its most sincere defender. It was also the vote-getting side. His opponents finally saw this point and one and all, some with mental reservations, rallied around this totem pole. They stole his issue.

The attack rolled and rumbled upon him from all sides. A small but well publicized group of Republican reformers called the *Citizens Union*, offering to speak for the independent voters of the city, gathered up all the ills of seven lean years under the term *Hylanism*. *Hylanism* seems to have meant murder, rape, burglary and arson, graft in public markets, prostitution of the civil service, bringing "the city to the verge of financial, political and moral bankruptcy." Indeed it presented "the only menace to the five cent fare." Whatever *Hylanism* was it seems clear that Hylan had nothing to do with it. Yet it was made to appear that the great desideratum was his elimination. Tammany was invoked, memorialized, beseeched. It needed no persuasion. Its mind had long since been made up and not by any encouragement or promise of aid from reformers. The exact reason we may never know.

REMARKABLE SHOWING AGAINST ODDS

The conduct of Hylan's political fortunes during last spring and summer seems to have been incredibly inept. The decisions that had to be made were not easy. To have refused to enter the Democratic primaries would have cost many votes, the straight party votes, and would have been a confession of weakness, perhaps it would have looked like poor sportsmanship; but to enter them was fatal, for unquestionably Hylan's followers included many who were not registered to vote in the Democratic primaries. There could scarcely have been any doubt as to the outcome of the primaries. He was embarrassed further by demands that he promise to stand by the results but he resolutely left the way open for an independent candidacy. It was said in Tammany circles that if he got 35 per cent of the vote in the primary he would be a menace because he could then probably carry the general election. Actually he got 42 per cent of the primary vote, a thoroughly remarkable showing against overwhelming odds. But in respect to this also, his backers had been faced with a dilemma. They were seeking to make a good showing. To have admitted to their supporters that Hylan would not win, would have seriously handicapped him; but this operated to fixate public attention on winning, which was quite out of the question, and to divert it from the really astonishing vote which he did get. Their candidate too was caught in the same net. Hylan alone among his immediate supporters seems really to have thought that he was going to win. This *delusio candidationis* was probably essential to a spirited campaign, but the shock of defeat was sudden and complete. He was utterly deflated. At the very moment when he should have leapt up to lead his cohorts on to victory he was limp.

The rest is simple and belongs to another story. On January 1, 1926, John F. Hylan appeared at City Hall. Scarcely a ripple of applause greeted the man who had gotten the largest plurality ever recorded in the annals of New York. Few would dare now to shake his hand. He looked out upon faces beaming felicitations for his successor. Many of them he had seen there on two previous occasions. Fickle fortune!

GIANT POWER

THE GIANT POWER REPORT OF PENNSYLVANIA

BY JOHN H. GRAY

An illuminating review of the "giant power" report of the Pennsylvania survey board. Some important phases of the power problem are also discussed. :: :: :: :: :: :: :: ::

In 1923, the Legislature of Pennsylvania authorized the appointment of a Giant Power Survey Board. It was to make a complete survey of the water and fuel resources of the state, and to make recommendations "as to the most practicable means for their full utilization for power development and other related uses." This board reported in February 1925.[1]

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[1] Report of the Giant Power Survey Board to the General Assembly of the Commonwealth

Among other things, the survey went thoroughly into the following: railroad electrification, mine mouth power plants, gasoline from coal, farm electric service, national defence, power for industry, city gas supply, coal pretreatment, public utility regulation, interstate treaties, 220,000 volt transmission, water power development, condensing practice, cost of electric current, anthracite culm, landscape beauty, water storage and electricity in the home.

Not being an engineer, the present reviewer does not feel competent to pass judgment in a technical way upon the vast mass of engineering detail. With the statement that the work seems to have been thoroughly done in a scientific and non-partisan way, he proposes to devote the present article to a review primarily of the recommendations in regard to the control of the industry. Doubtless, however sound the scheme may be, in main outline and principles, it will, if adopted require much modification as time goes on, and it is put into practical application. Such a possibility, and even probability, detracts in no wise from the value of the report or the soundness of its conclusions. No group of men can foretell, in detail, the needs of as complex a world as this report is dealing with. The report has every appearance of being carefully done.

It is the first systematic and disinterested attempt to deal, as a whole, with this vitally necessary and important question, and will doubtless remain for a long while to come the most important and authoritative source of information on the subject.

The report assumes that the economic welfare of any people, at any time, depends upon the extent to which it uses power other than animal power, and that electricity is likely to play a more important part in the future than steam power played in the nineteenth century. Under any wise and rational development, electric power will largely supplant the isolated local steam plant. It will be used in almost every home, factory, and workshop in city and country.

This electricity will be largely produced from coal in giant plants, at or near the coal mines, although hydroelectric power will be fully developed and used as a supplement to steam produced electricity.

The most marked characteristic of our modern economic life has been the passing of the electric industry into the hands of a few large holding companies, and the connection of the different plants by transmission lines. Virtually, in every case, this means increasing the capitalization resting on the industry. From 80 to 90 per cent of the industry is now in the hands of holding companies. More recently, these holding companies have been growing closer together. They are now moving rapidly towards community of interest and common ownership, and are connecting the lines of one group with those of another and exchanging surplus current among themselves. So far this has been a sort of dumping process, but the end is not yet.

This is superpower as talked by the present owners of the industry. Giant power has been well described by Governor Pinchot in his message transmitting this report to the legislature. "Giant power seeks the cheapest sources of power, and hence the cheapest rates. It proposes to create as it were, great pools of power into which power from all sources will be poured, and out of which power for all uses will be taken."

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of Pennsylvania. Morris L. Cooke, Director, February 1925. Pages 1–XII, 1–48, February 1925, Harrisburg, Pa.

THE COMING OF GIANT POWER

The question that the survey deals with, is whether we are to sit idly by until this approaching monopoly is an accomplished fact, and then leave it unregulated, with its antiquated and badly located plants, its over capitalization, inefficient services, high prices, and limited use and monopoly profits after contributing a return on the watered securities; or whether the industry is to be conducted on a systematic, scientific plan, safeguarding the consumer and the investor, and providing for the most modern and effective methods and the furnishing of electricity to all the people at cost, including of course the cost of capital, honestly and prudently invested.

It needs no argument to show that giant power is coming—rapidly coming. It goes without saying that effective regulation, under present methods of combination, financing and operation is out of the question.

Steam power cannot be used directly except in congested areas and tends therefore to unwholesome and dangerous congestion of population. Converted into electricity such power can be distributed at any time, in any place, in any quantity as needed. Furthermore, when not in use, it is not wasted. Electric power can be produced with little transportation of coal. When electricity first came into use, a lack of scientific knowledge made the use of the by-products from the distillation of coal of little value. But, the recent advances of science has made our civilization largely dependent on the use of such by-products. The threatened depletion of our coal supply, and the increased wages required to mine, transport, and handle coal and remove the waste have placed decided limits on the direct use of steam power.

Our railroad system is badly overloaded. More than one-fourth of all the tonnage on the railroads consists of coal, while the railroads themselves consume more than one-fourth of the coal mined. Why not turn this coal into electricity, at or near the mines, and thus conserve not only our coal but the railroad service as well, by relieving the railroads of the burden of hauling a large part of the coal? There is all the more justification for this since the coal traffic on the roads is relatively unprofitable. This waste constantly increases with the increase of wealth and population, with the consequent congestion of population. On the other hand, the cost of generating and distributing electricity is rapidly decreasing. The substitution of electricity for isolated steam power would tend to check the rate of increase of congestion of population, if it did not actually diffuse the population. It would tend largely to abolish dirt, smoke, noise, and slums, and make more decent living conditions. Such substitution would relieve the railroad in still another way by causing a much larger portion of all commodities to be consumed in the vicinity where they are produced. This would be a double gain by the saving of transportation of raw materials.

SUBSTITUTION OF ELECTRICAL POWER

It is not a question of abolishing steam power produced in isolated plants and going back to animal power, but of substituting a cheaper, cleaner, and more efficient power. Recent advance in generating and transmitting electricity have made it practicable scientifically and economically to transmit electricity, under high voltage, 300 miles. The advantage of electricity over direct steam increases with the increase in the cost of producing steam for direct use. On the other hand the growing importance of the by-products of coal would probably turn the tide in favor of electricity. Are we to consume vast quantities of coal for the sake of the by-products alone or combine the making of by-products with the production of electricity? Steam directly applied uses a much smaller per cent of the total energy of coal than when turned into electricity, and wastes a large part of the by-products. The size of the economic steam plant reached its maximum some time ago. But the amount of by-products from a ngle ton of coal is so small, that by-products can be worked up economically only in connection with large plants. Perhaps no other industry lends itself more readily to large scale production, or offers more economy from mass production. This has been an important factor in leading to the present stage of combination in this field.

LARGE GENERATING UNITS

The Pennsylvania survey assumes such large scale production under any form of ownership. It is, therefore, concerned in bringing some sort of order into the industry and in assuring effective control, or regulation, in the public interest.

The main recommendations of the survey are that, with minor exceptions, all production, or generation of electricity shall be in large units of not less than 300,000 kilowatts—the lowest possible for full utilization of by-products, by water power or steam plants at or near the coal mines. The whole state is to be divided into districts to be served by high voltage transmission lines of at least 110,000 volts, all interconnected. Generating companies, transmission companies, and distributing companies, are to be separately incorporated, separately owned, and separately operated. The generating companies are to be integrated with their coal supply by being allowed to acquire by condemnation an amount of coal estimated as sufficient to supply them for fifty years on a royalty basis. The amount of the royalty is to be fixed by the public service commission. These companies are to be allowed to sell coal commercially for coking purposes, to manufacture and sell all by-products, and to pretreat coal to save all its valuable properties. They are to be simply generating, or producing companies, and are to sell all their current at wholesale only to major transmission lines, or companies. Major generating companies are to include all producing plants of more than 25,000 kilowatt capacity.

The distributing companies (explained later) may have minor transmission lines of not more than 25,000 kilowatts or 50,000 volts whichever is greater.

The major transmission companies are to be incorporated as common carriers for buying current from the generating plants and selling it at wholesale to the distributing companies. Their lines are all to be interconnected. They are to have the right and the duty of buying and selling current among themselves. All their prices are to be approved or fixed by the public service commission. Each company must have a permit (from the giant power board to be created) to establish a giant plant. The period of the permit must not exceed fifty years, and, the permit must reserve the right of the state to purchase the property on the basis of prudent investment, or, to license another company to operate it at the end of the fifty years.

It is proposed that all existing plants unless they are large enough to become giant producing plants, or deserve to be scrapped on grounds of inefficiency shall become merely distributing companies. Meantime they are to have the right to construct and operate minor transmission lines.

DISTRIBUTING COMPANIES

The recommendations also include two new kinds of distributing companies. First, incorporated power districts with the right to supply themselves with power. For this purchase, they are to have the right to condemn property, levy taxes, and assess benefits and damages. Such companies can be established only by a majority vote of the legal voters of the proposed districts, and with the consent of a majority of the acreage involved.

The second class of new companies consists of mutual voluntary companies. The new companies of both kinds are to buy their current wholesale from the major transmission companies, and, are to be given free expert advice by the staff of the State College. All distributing companies, old or new, are to buy their current and at prices regulated, or fixed, by the public service commission, which has control over the prices of all current of all companies, wholesale or retail.

This commission, with greatly enlarged powers, is to have the right to order any distributing company to invade with its system the territory now reserved by charter or other law to any other company.

REGULATION AND SUPERVISION

A giant power board is to be created. Its chief functions are to district the state for major transmission purposes, determine the location of all such lines, approve the sites for all generating plants, and to negotiate interstate treaties, to be approved by Congress, for interstate dealings and control of all electric current passing a state line.

Apart from regulating the price of all current the public service commission is to have complete control and supervision over all contracts for construction, merger, lease, consolidation, operation, management and financing of electrical companies of all kinds. Particular mention is made of contracts involving brokerage or commissions. It has control, also, over the issuing of all securities. Stocks must have a uniform par value of $100 per share. The commission is to be prohibited from allowing any securities to be issued below par. No securities may be issued for property or services except for full value and with the approval of the commission.

All existing electric companies of every sort are to be valued as of January 1, 1926. Thereafter the basis for all rates for electric current wholesale or retail shall be the value so found plus the actual prudent investment after January 1, 1926, due consideration being given to depreciation and retirements of property. A unique and admirable provision is made for extra rates for a sufficient number of years to amortize any existing plants which, on account of their size, location or inefficiency are thrown out of use by the introduction of the giant power scheme.

The object of the plan is to supplant isolated steam power by giant electric power to bring electricity to all the people, at reasonable and greatly reduced rates, to safeguard the investor, stop speculative profits, and pass the economies on to the consumer.

If the rates as a whole give a fair return on the prudent investment as herein defined, no individual rate or system of rates is to be declared confiscatory. Court review is to be confined to the narrowest constitutional limits. The report takes firm ground for prudent investment as the basis of all rates, and offers some rather ingenious methods of enforcing this doctrine.

CONSTITUTIONAL AND LEGAL RIGHTS

The reader has doubtless already concluded that many of these recommendations run counter to the constitutional rights of existing companies. This is probably true, but the survey board has worked out a scheme for overcoming this obstacle, so that the difficulty of introducing the plan rests not on constitutional difficulties but on popular psychology and the influence of the vested interests on legislation.

Although the electrical industry is a relatively new one, there are many legal rights that cannot be taken directly from the companies without their consent or full compensation. The survey board proposes to clear the field of such rights without constitutional change, litigation or confiscation. The proposals of the board rest on the simple and indisputable fact that in a dynamic society, and in an industry changing as rapidly as this one, no company can live or prosper without coming frequently to the state for additional rights, the granting of which is clearly at the discretion of the state. Existing rights, however important and unquestioned, are not worth the paper they are written on under the circumstances, if all additional rights needed are denied. How much is a perpetual right to operate horse cars, or cable cars in New York worth today, or the perpetual right to make coal gas by methods in vogue when such rights were granted? The board, therefore, recommends that the state in future refuse to consider any application from any electric company for any additional rights unless the application for the same specifically contains an acceptance of the giant power scheme and a waiver of any existing rights inconsistent with the same. This follows the Wisconsin methods by which all the companies irrespective of their previous rights were brought voluntarily under indeterminate franchises. The board was also doubtless familiar with the method by which the Port Authority of Toronto acquired title to the railroad water terminals in Toronto without compensation.

It is more than likely that questions would arise under this provision, such as the right of a municipality exercising police powers in a narrower sense to refuse locations for poles or wires. But when full allowance has been made for all doubtful points, there certainly remains enough need for new rights and enough clearly discretionary powers on the part of the state to bring about, in this manner, the voluntary surrender on the part of the companies of all rights inconsistent with the proposed legislation.

INTERSTATE DIFFICULTIES

In regard to interstate dealings in electricity the recommendations of the board are of more doubtful value. The giant power board hereafter to be created is authorized to negotiate treaties, or compacts, with neighboring states for complete regulation of interstate dealings in electricity. Such arrangements of course would require specific approval by Congress in each case.

Meantime to encourage other states to join in such compacts, Pennsylvania is to prohibit any increase of the export of electricity at wholesale or retail. The prohibition applies to new companies, new customers, new localities, new contracts and to renewal of old contracts. There is to be specific prohibition of the export by major transmission lines without the consent of the giant power board, and to the transforming of minor transmission lines into major transmission lines. All sales for export under new contracts are to be as thoroughly controlled as are domestic sales. In other words it is the clear intent so to restrain existing companies as to make the companies voluntarily come under the new law and regulation subject always to the proposed interstate compacts.

This scheme would effectively abolish all retail interstate traffic and bring the wholesale traffic as completely under control as the purely domestic companies. Such prohibition is likely to meet constitutional obstacles.

The whole subject of the regulation of interstate dealings in electricity is fraught with endless difficulty under our dual form of government. So far, the matter has not been directly ruled upon by the courts. But the United States Supreme Court, in cases dealing with natural gas, has apparently by analogy brought electricity under the commerce clause of the constitution. If this be true, the power of Congress over this matter is plenary. Congress is loath to surrender any of its powers, or even to delegate to state authorities the administration of such powers on behalf of Congress. Apart from any constitutional questions, it seems administratively inadvisable for the federal government to undertake the direct regulation of this industry. While the interstate phase of this industry cannot much longer be ignored and is sure to grow in importance, the industry still remains preeminently one chiefly of local importance. One speaks with hesitation in regard to so difficult and complex a subject where the needs so clearly run counter to the constitution. There was a proposed bill presented and discussed at the 1925 meeting of the National Association of Railroad and Utility Commissioners to be introduced into Congress. The object is to place the motor interstate traffic, already decided to come under the commerce clause of the constitution, in the complete control of the state commissions. The report accompanying the bill is very enlightening.

The proposition is a simple one: namely, for Congress by a simple act to declare that for the purposes of this act each state commission as from time to time constituted shall become a federal agency or commission for carrying out the purposes of this act, to give to the interstate commission the powers in any state whose commission refuses to act as such federal agency, and to provide for the union of any two commissions temporarily when necessary, the two acting as a single commission. An appeal is reserved to the interstate commerce commission in case of disagreement or failure of such commissions to deal with the matter satisfactorily.

Some such a scheme as this seems much more likely to be adopted than the one recommended in this Pennsylvania report. The constitutional provision on interstate compacts has virtually lain dormant for one hundred and thirty-six years, and is wholly unfamiliar to the public mind. The experience of the states in trying to settle the Colorado River problem does not hold out much promise of dealing with complex industrial problems by state treaties. The necessary agreements seem unlikely to be achieved. Furthermore, if the states should once agree, changes in the industry would soon require modifications and the bringing of new states into specific agreements. The results would certainly lack uniformity.

But the trouble would scarcely have begun when the states agreed, if they ever should agree. There would be literally a bombardment of Congress to approve these numerous and amended treaties. In an overloaded Congress, it is not likely that such treaties would ever be adequately considered or in most cases ever approved. If this federal power is ever to be locally administered, it must be done in some simpler way. The electrical industry is a national industry. Economically, it knows no state lines. It ought to be dealt with by uniform laws and not by a multitude of divergent treaties. The difficulty of undoing or amending such a series of treaties would be insuperable, and any change might bring undesired lack of uniformity.

On the other hand, a single uniform act making the state commissions federal agencies for this purpose would in its passage fail to create a flood of local jealousies. Amendment or repeal would be simple. Such an act would not involve any ultimate delegation or surrender of federal power. It would have all the advantage of appealing to local sentiment; it would cover the whole field and bring about the necessary uniformity.

While I am not at all sanguine of the adoption by Congress of this suggestion, it seems to me much more likely to meet congressional approval than that of the Pennsylvania report. If adopted, it would work much more satisfactorily than any other method that has been suggested for dealing with this perplexing problem. It might, also, prove of great value in pointing the way for the decentralization of many other administrative powers belonging to the federal government, particularly those now in the hands of the interstate commerce commission. If that commission is to survive and accomplish the work already assigned to it satisfactorily, the administration of these powers must be highly decentralized.

The giant power board is to be congratulated for turning out so valuable a report with its limited time and money. It is, however, to be regretted that it did not have time and money to go more thoroughly into the limitations of the use of electricity due to the discriminating rates in favor of the large consumer. It touched upon this matter in dealing with the rates to farmers, but there is no adequate treatment of the subject in the report. The evil is not confined to farmers. Space does not permit the discussion of the subject here. But when the matter is thoroughly investigated it may turn out that we have found the greatest single argument for public ownership.

RECENT BOOKS REVIEWED

The Statistical Work of the National Government. By Laurence F. Schmeckebeier. Baltimore: The Johns Hopkins Press. 1925. Pp. 590.

This volume is one of the Studies in Administration published by the Institute of Government Research at Washington, D. C. It may be compared with the *Report on the Statistical Work of the United States Government* submitted to congress by the United States bureau of efficiency in 1922. The earlier report described the statistical activities of the various government bureaus and offices by organization units, calling attention to duplications, overlapping and lack of coördination in various phases of such work, and recommending that the collection, tabulation and dissemination of all non-administrative statistics should be centralized, so far as practical, within the bureau of the census of the department of commerce.

Mr. Schmeckebeier's book is also a descriptive account of statistical work, analyzed however, not primarily by organization units, but by the subject matter of the statistics. It is arranged in 36 chapters, giving a more detailed account than the bureau of efficiency report of the various classes of statistical publications, with discussions of the sources and significance of the data, and some observations on the limitations of the material published, but without any extensive critical comment, which it is hoped may be presented at a later time.

While there is no extended discussion of the problem of the organization of government statistical work, Mr. Schmeckebeier, in his introduction, refers to the "almost unanimous opinion of men experienced in governmental statistical work that a great consolidated statistical office will result in neither economy nor greater accuracy." This opinion is in direct conflict with the recommendations of the bureau of efficiency. Mr. Schmeckebeier, however, believes there is undoubtedly need for an agency that would coördinate the work of the several organizations in the statistical field.

The descriptive analysis emphasizes the enormous volume of statistical material published by the government. The great bulk of this is economic and social in character. Several chapters deal with statistics of governmental operations,—including national finances, state and local finances, general statistics of cities, education, water and electric power, and short sections on government employees and election returns. Mr. Schmeckebeier does not, however, give a full account of the administrative statistics of the government agencies, in such fields as the army and navy, criminal and judicial statistics, patents, pensions and the postal service. Nor does he consider the need for more systematic and comprehensive statistical data on political and governmental activities.

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The Problem of Government. By Chester Collins Maxey. New York: Alfred A. Knopf. 1925. Pp. 514.

Here is a simple and interesting exposition of the fundamentals of government. Written as a textbook to be used in the elementary college course in political science it has from this viewpoint two outstanding characteristics: the wide range of subjects covered and the studied attempt to avoid the intricate, both in thought and expression.

In choosing to spread out over the whole field of government, Professor Maxey has aligned himself with that class of teachers who believe that the study of American Government alone is not sufficient for the beginning course. He feels that what is needed is perspective; and that having seen the forest from an airplane the student can then proceed to a more special study of the individual trees. This opinion receives some support from the fact that the elementary course constitutes the beginning and end of Political Science for most students. The opponents of this view feel that it is better to teach well some definite and practical part of the subject, such as American Government, than to impart a little information upon a great many themes. They do not believe that it is the purpose of college work to convey a wide fund of information so much as to train the student to secure knowledge for himself, and this latter task may be better done by the use of more intensive methods.

The extent of the material included in *The Problem of Government* may be indicated by the main headings of the book, which are: (I) General Principles of Government, (II) The Organization and Operation of Government, (III) The National Government of the United States, (IV) State Government in the United States, (V) Local Government in the United States, (VI) The Citizen's Job, and (VII) Contemporary Problems. This is a plainer and more practical treatment than the older type of volume upon the elements or principles of Political Science. However, the book devotes a great deal of space to generalizing upon the nature of government and cannot avoid the hazard of slighting some vital and important phases of more immediate interest. Thus in the chapter on Foreign Relations the author attempts in seven pages to cover the subject of American foreign policies and the problem of international peace. Naturally the attempt fails conspicuously.

With regard to clarity and simplicity Professor Maxey states in the preface that most textbooks are written more for professors than for students. "There is no sound reason," he says, "why a student, in order to obtain a few fundamental ideas, should be obliged to wade through a morass of professional verbiage which can have meaning only for the specialist, if it has any meaning at all." Laying aside the question as to whether this deprecatory estimate of the efforts of rival textbook writers is correct, there can be no doubt but that Dr. Maxey has avoided criticism from this standpoint. In some chapters he has probably succeeded too well, for an intricate idea is difficult to express in words of one syllable without sacrificing something of the thought. On the whole, however, the balance between substantial content and easily understandable terms is well maintained. The book will serve admirably for the instruction of citizens in the nature of government and as a textbook for those teachers who prefer the wider type of elementary course.

Benjamin H. Williams.
University of Pittsburgh.

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The Government of Oklahoma. By Frederick F. Blachly and Miriam E. Oatman. Oklahoma City: Harlow Publishing Co., 1924. Pp. 668.

This readable and enlightening discussion of the practical operation of a typical western commonwealth's government is really the handiwork of a number of persons who have had opportunity to collect their information at first hand, though but two names appear on the title page. Dr. Blachly, who was formerly professor of government at the University of Oklahoma and secretary of the Oklahoma Municipal League, and Miss Oatman, assistant secretary of the league, are mainly responsible for the preparation of the volume, but a member of the Tulsa bar formerly connected with the University of Oklahoma has written five of the twenty-three chapters and collaborated in a sixth, while still other persons are also contributors.

The volume is far more than a collection of readings, however. It has been so carefully edited that unity of thought is preserved throughout. For the most part it is descriptive. There are chapters on the constitution of Oklahoma, the chief executive, state administration, the judiciary, the election system, the taxation and revenue system, local government, and the other fundamentals which go to make up the government of a state. Newer phases of governmental activity, such as the regulation of business and labor and the care of special classes, are treated in considerable detail. Three chapters are devoted to municipal organization and city-state relations.

Though the work is necessarily in large part descriptive, the authors have not hesitated to criticise freely. As they state in their preface, they "have attempted to face disagreeable realities as to their state government rather than to avoid them. They have taken the attitude that the government is not a sacred institution but a machine for performing necessary social work; if it is not functioning properly it should be examined quite as thoroughly as any other machine failing to work effectively."

The government of Oklahoma is a fertile field for constructive criticism. Here are found all the old flaws of state government so familiar to every student—checks and balances, an executive authority divided among thirteen elected officials, a judicial system without a responsible administrative head, and a system of taxation lacking most of the elements which insure justice and efficiency—plus a number of more recent vices, such as the practice of overloading the constitution which matters suitable for ordinary legislation.

The recommendations are conservative and well considered. They include "a greater trust in representative government rather than . . . 'direct democracy'; a greater control of governmental planning by the executive . . . ; the administrative functions of the state placed in a few departments under the control of the governor . . . ; establishing a unified court system"; the manager plan for counties; and administrative control of the cities through a local government department of the state government. This volume is primarily of interest to citizens of Oklahoma, but it cannot be ignored by students of government anywhere.

Austin F. Macdonald.

University of Pennsylvania.

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Municipal Year Book of the United Kingdom. Published by the Municipal Journal, Limited, Sardinia House, London.

For those interested in keeping currently in touch with the developments in local government in the British Isles, there is no source of information to be compared with the Municipal Year Book, published annually since 1897. It records and analyzes the legislation and investigations of the central authorities affecting the various units of local government, it gives a bird's-eye view of the functions and powers of the ministry of health, which is so largely responsible for the supervision of local authorities; it recites not only the general legislation under which the local units operate, but also the special rights and privileges granted to the individual corporations.

Something over four hundred pages of the 1924 issue are devoted to a compact summary statement of the characteristics and official personnel of the various municipalities and counties. This statement is much more comprehensive for England and Wales than for Scotland and Ireland. The population, area, tax rates, assessed valuations, names of officials and noteworthy facts are cited in each case. Particular attention is given to the methods of handling the customary public utilities and also any advantages offered along health or recreational lines.

Eleven sections, comprising about two hundred pages of this issue, are devoted to a review of the legislation controlling the public utilities and to a tabular statement concerning the status of these utilities in the various municipal corporations. The following utilities are covered: Roads and Transport, Water Supply, Gas Supply, Tramways, Electricity, Markets and Slaughter Houses, Baths and Wash Houses, Public Libraries, Housing, Refuse Disposals and Street Cleaning, Small Holdings and Allotments. The student of public ownership and control will find a wealth of factual information in the tables.

The sections dealing with housing, town planning and small holdings and allotments are of special interest because these represent the newer fields of governmental activity and the ones still more or less in the experimental period. In the chapter on town planning the matter of regional planning is given a prominent place. According to this report the number of regional planning committees increased in the space of one or two years from two to twenty-two.

On account of the uniqueness of Small Holdings and Allotments Acts, it may be pointed out that local authorities are required to provide through public action land for allotment gardens in case there is demand for it and private agencies cannot or do not supply the demand. The size of these allotments usually does not exceed one acre. It is expected that they will be managed on a self-supporting basis. The latest returns show that over half of a million allotment holders are tenants of the public authorities.

The last section in the Year Book lists the names, the officers and addresses of the municipal societies. The list is a very broad one including the Labor Party, National Health Society, London Safety-First Council, Commons and Foot-Path Preservation Society, Conference of Health and Pleasure Resorts, the Metropolitan Drinking Fountain and the Cattle Trough Association. But even with the deletion of such societies that would not seem to qualify under a strict definition of the term "municipal societies," the reader will be surprised at the extent of organization among public employees. All types are represented in the list from technical workers, such as engineers, accountants and health inspectors to clerks, administrative workers and cemetery superintendents.

For the student of local government in Great Britain the Municipal Year Book will present a mine of concrete information that will lend color and form to the more or less general information given in the standard works on this subject.

W. E. Mosher.

Road Policy of Pennsylvania. By Wilbur C. Plummer. Philadelphia: Privately printed. 1925. Pp. 121.

In this brief thesis of six chapters the author presents a historical treatment of roads and road administration in Pennsylvania, from the earliest settlements to the present time. Four chapters are devoted to tracing the change and development in road policy during various periods, and an attempt to interpret the causes, and influences which have wrought these changes. The periods considered include: before the coming of William Penn (1682), characterized as the "beginning of roads in Pennsylvania"; from the coming of Penn to 1785—a period of entire local responsibility for the making and maintenance of roads; from 1785 to 1845—a period of great activity on the part of the state government in road affairs. Among the reasons for this activity was the need for providing means of communication between the rapidly growing developments in the western part of Pennsylvania and those already established in the eastern sections.

An interesting episode attributed in part to the great difficulty in transportation existing at that time, was the so-called "Whiskey Rebellion," which occurred in the four western counties of Pennsylvania. The period from 1845 to 1903 is referred to as one of "disuse and neglect of roads." These conditions, obviously, were brought about by the tremendous impetus given to the development of railroad transportation throughout Pennsylvania and the country during that period. A chapter is devoted to presenting the impressions of travelers from Europe and other states on the conditions of Pennsylvania roads of a century ago. In the final chapter the author discusses the present road policy of Pennsylvania with particular reference to the influence that motor traffic and its need have had in the formulation of that policy.

W. A. Bassett.

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Economics of the Radio Industry. By Hiram L. Jome. New York: A. W. Shaw Company. Pp. 332.

Professor Jome, in attempting to cover the history and economics of the radio industry in one volume, has attempted the impossible. As a result, much detail is lacking, but practically all phases of the subject have been touched upon.

Part I is devoted to the history of commercial radio communication. Beginning with Marconi and his experimental signaling across a distance of a few yards, the growth of radio through the war period is outlined up to the present state of truly world-wide wireless.

The merchandising problems arising from the sale of broadcast receivers and the traffic problems incident to the transfer of radio messages to land wire lines are discussed in Part II.

Part III outlines various problems of radio broadcasting. How shall it be supported? What is the relation between broadcasting and the copyright and patent laws? What public policy shall be pursued regarding the regulation of radio broadcasting?

Part IV is a look into the future of radio. As a means of communicating messages from one point to another, will radio supplant wires and cables or will it finally assume a position of less relative importance? In broadcasting shall we continue to absorb increasing numbers of sets to listen to more and finer programs, or will a saturation point in the sale of sets induce apathy in the production of acceptable programs?

In brief, our radio message circuits, great and small, owe their rise to the fact that radio spans rivers, lakes and oceans, plains, mountains, deserts, and jungles without ties which may be severed by storms or hostile peoples. This element gives to radio a right of survival so great as to entitle it to governmental support even should commercial support prove inadequate. The question of permanently adequate support hinges on the ability of inventors to reduce the present high initial and high operating costs by such developments as directive short wave radiation.

Ship radio is unique. It alone offers communication between vessels apparently alone on the ocean or between vessels at sea and shore stations. In transmitting messages, the ship station has no competitor, while its importance to the safety of human lives insures it a permanent place of growing importance.

Professor Jome considers, and we believe rightly, that broadcasting is the most important phase of radio development from an economic viewpoint. It occupies a correspondingly large space in his book, and the public will do well to weigh carefully the points raised whether or not they agree with his conclusions.

D. C. Prince.

GOVERNMENTAL RESEARCH CONFERENCE NOTES

EDITED BY ARCH MANDEL

Rochester Bureau of Municipal Research.—Clarence E. Higgins, staff accountant of the Bureau, assumed office as deputy comptroller of the city of Rochester on January 24. Judging from newspaper comments, the appointment is a popular one. Higgins is the second staff member of the Rochester Bureau to be appointed to a city position within the last two years. Harold W. Baker, present commissioner of public works in Rochester, was staff engineer.

◆

St. Louis Bureau of Municipal Research.—During the past two years, the Bureau published 52 issues of its bulletin, "Mind Your Business." Nearly all of them have been very brief statements of results of Bureau studies, the text occupying about 10 inches of a column 2 7/8 inches wide, set in large type.

The response of the daily press to these bulletins has been gratifying. During 1924 and 1925, the newspaper publicity given the 52 bulletins occupied 1,605 inches of single news column, 175 inches of editorial column in 23 editorials, and one cartoon. Ten double column headlines were included in the news space.

This Bureau published 9 bulletins on general subjects that did not contain specific facts on the operation of the city government. Four of them received no newspaper publicity, and the average for the other five was only 15.7 inches of single column news and no editorials.

The remaining 43 bulletins each contained specific facts concerning municipal operations. The average newspaper space per bulletin was 35.5 inches of single column news and 4 inches of editorial column.

◆

Toronto Bureau of Municipal Research.—The Bureau, in collaboration with the local Board of Trade and Service Clubs, conducted an intensive campaign to increase the percentage of voting efficiency on January 1, 1926. The slogan adopted, "Vote as you like, But Vote," became quoted all over the city and was adopted by the city fathers on the voting cards.

It is interesting to note that the vote polled on January 1 was the highest in numbers in the history of the city. The percentage of possible votes was not the highest, however, but represents a considerable increase over last year.

A bulletin has been issued, giving the personnel of the civic government for the year 1926.

◆

The Citizens' Research Institute of Canada.—The Institute has issued a report, showing how the tax burden compares in England, United States, Australia and Canada; that is, the relation of total taxation to the nation's net production or annual income.

Story number 2, "Provincial Government," of the Annual Cost of Government in Canada series is in course of preparation and will be issued in the near future.

Resolutions passed by the Tax Convention of the Institute, dealing with a more equitable distribution of the income tax and a lowering of its scale; also, a resolution urging the government to amend the Income War Tax Act (1917) to allow for a system of averaging incomes of corporations, firms and persons engaged in business over a period of years, have been submitted to the Canadian Dominion Government for their earnest consideration.

◆

Bureau of Research of the Newark Chamber of Commerce.—A Special Committee on Election Laws has completed its study and drafted a report, recommending permanent registration. This report has been acted upon favorably, and a bill to provide for permanent registration is now being prepared. Present plans provide its early submission to session of the legislature.

A report on traffic, transit and transportation, prepared by a special committee, has finally been favorably acted upon. This report outlines the Newark problem and recommends the appointment of a transit commission, which, in turn, will provide for competent engineering staff to develop plans and supervise their carrying out. The committee's next step will be a conference with the mayor, in support of its recommendations.

✣

Milwaukee Citizens' Bureau.—The entire staff of the Citizens' Bureau is working on city manager charters. The charter for West Allis, a suburb of Milwaukee, is completed, and petitions have been circulated and filed. The charter will be voted on April 6. It provides for a manager, and a council of five, elected at large by proportional representation. This is the first attempt to use proportional representation in Wisconsin.

The Milwaukee campaign is not so far advanced. A series of articles are being prepared, calling attention to the weakness of the present system. After releasing these articles, considerable publicity material, based on trips to Dayton, Cleveland, Rochester, Cincinnati, Norfolk, Nashville, Kansas City, and a few other cities, will be presented. By late spring, it hopes to organize a definite charter campaign.

Wisconsin cities are now operating under a constitutional home rule grant. Recently, the supreme court declared that education was still a state function and that even the question of financing schools was outside the home rule grant of power. This was quite a blow to "home rulers." They are now thoroughly convinced that the amendment should have listed certain functions as being strictly local, followed with a saving clause for all doubtful cases.

✣

Taxpayers' League of St. Louis County, Duluth.—Duluth is contemplating the establishment of a small claims court as a branch of its municipal court. The executive secretary of the Taxpayers' League has been appointed by the city council as a member of a committee to investigate the feasibility and practicability of such a court. The Taxpayers' League prepared a report covering the operation and effect of these courts in several cities.

A petition has been filed with the charter commission of the city of Duluth, requesting that a special election be called to vote on the aldermanic form of government. The petition provides for the mayor-council type of government, with a council composed of fifteen members. Various civic organizations have been advocating the city manager plan of government, and it is anticipated that the charter commission will be requested to submit a manager charter at the same time that the vote is taken on the mayor-council charter.

Philadelphia Bureau of Municipal Research.—The Philadelphia Bureau announces that Miss Emma O. Lundberg, formerly of the children's bureau of the federal government, and now of the Child Welfare League of America, has been engaged to assist in the survey of the municipal court of Philadelphia, which the Bureau is making, as the agent of the Harrison Foundation. She will appraise the court's probation work with unmarried mothers.

The Philadelphia Bureau has just published a report which presents a history of the Philadelphia gas works, including financial and other results of operation, a discussion of modern standards of gas service, and an analysis of the situation now confronting the city. An outline of the principal events in the history of the gas works since they were put in operation in 1836 is given in the first chapter of the report. Chapter two contains a discussion of the results in management, service, price of gas, and growth of plant obtained by the three forms of administration which have been employed. Financial results under the several kinds of management are given in chapter three. It is shown that, despite gross mismanagement, the city profited under management by a board of trustees, and a myth which whispers of millions lost under municipal operation is thereby set at rest. The influence of politics upon operation of the gas works during these periods is indicated. In the discussion of operation under the present lease to a private company, the report describes methods of financing and shows that the company and the city have both fared well. Chapter four discusses the effect of changes in the use of gas upon standards of quality and service, points out the requirements of good service, and indicates the standards which meet these requirements best at the present time.

The report then takes up the present situation. As the present lease expires December 31, 1927, and the gas works will undoubtedly be operated thereafter under a new lease, the discussion is narrowed to suggestions for improvements in the leasing conditions, and these are illustrated by reference to the present lease and to a new lease proposed by the present lessee, the United Gas Improvement Company of Philadelphia. Among the suggestions are included city, instead of company financing; a rental to the city, based on the value of the plant; a compensation for the lessee, which will be as definitely fixed as is consistent with providing an incentive to efficient operation; a price for gas based on the cost of service; payment by the city for all gas used by it; and a lease terminable at any time upon reasonable notice.

The study was made principally by Charles A. Howland, staff engineer, but Robert J. Patterson, chief accountant, materially supplemented the work on financial phases.

Copies of the report are available for free distribution upon application to the Bureau of Municipal Research, 311 S. Juniper St., Philadelphia, Pa.

✤

San Francisco Bureau of Governmental Research.—A study is being made to determine the amount necessary to be voted in a bond issue for a public improvement revolving fund, that shall be used for financing improvements made by levying special assessments on benefited property, particularly new street construction by public contract.

A comparative study, made by the Bureau in 1922, of new street construction by special assessment levy on property and construction under the city pay method determined that the city was able to have work performed for approximately 25 per cent less than work done at the expense of property owners by special assessment. The additional cost was found to be due to the fact that the contractor must finance himself for the entire job and also must accept the bond of the property owner who elects to pay over a period of not to exceed ten years. As a result of this study, the Bureau advocated a charter amendment which would permit the city pay method of public improvement financing. This measure was placed on the ballot in November, 1924, and carried.

Director W. H. Nanry is giving a series of ten lectures on city government to the San Francisco Center of the California League of Women Voters. In the series he will discuss the four stages of development of government of cities in the United States, the San Francisco form of government, its defects by reason of decentralized responsibility and control, budget and administrative functions in the hands of the legislative body, election system, and corrective steps which should be taken, including a summary of the advantages of the city manager plan.

✤

National Institute of Public Administration, New York.—Philip Cornick has undertaken a study on the financing of a rapid transit program for the North New Jersey Transit Commission.

The 1926 report of the New York State Joint Legislative Committee on Taxation and Retrenchment will shortly appear. Luther Gulick is executive secretary of the committee and A. E. Buck, chief of research staff. The report will be published in three sections: Part one, "State Expenditures, Tax Burden, and Wealth," is a study of the growth of the functions and expenditures of the state government and the relation of total tax burden to the income of the people of the state. The other two sections of the report deal with the debt of the state and with the gasoline tax.

✤

Minneapolis Bureau of Municipal Research.—Upon request by the water works committee of the council, the Bureau is analyzing the expenditures of the water works, preliminary to preparing a budget for the department. This is of particular interest in Minneapolis, because the department of water has been exempted by ruling of the city attorney from preparing its budget according to any particularly desired form. A change in the city council, however, is responsible for causing the water department to conform with the other departments in the preparation of the budget.

The Bureau has proposed to the city comptroller a classification that will be based upon units of service rendered by the departments, and which, it is hoped, will ultimately articulate with the regular accounting procedure, thus serving two purposes.

NOTES AND EVENTS

EDITED BY H. W. DODDS

Correction.—On Page 69 of the January REVIEW it was erroneously stated that the issue of *Municipal Reference Library Notes* for September 16, 1920, contained a bibliography on special assessments for financing subways. The reference should have been September 16, 1925.

✣

New Haven to Plan Twenty-Year Improvement Program.—The New Haven board of aldermen have authorized Mayor John B. Tower to appoint a non-partisan committee to draw up a program for financing permanent improvements needed by the city for the next twenty years.

✣

Mayor Walter A. Sims of Atlanta urges that the city of Atlanta and Fulton county be consolidated so that one set of officials may handle the government instead of two as at present. He states that by 1930 the boundaries of the city will be coterminous with those of the county.

✣

James J. Walker in his inaugural address as mayor of New York city promised a survey by competent men and women for the purpose of developing a plan to simplify the governmental machinery of the city and to eliminate duplication of effort.

✣

Parking Maps.—The Boston Chamber of Commerce and the Milwaukee City Club have recently issued parking regulation maps for their respective cities, showing the streets and hours in which the parking of automobiles is restricted.

✣

License Fees for Parking Automobiles.—With a view to reducing parking congestion and bringing new revenues into the city treasury, several cities are discussing a proposal to levy license taxes upon the privilege of parking automobiles in the streets.

The Boston City Council is considering charging each motorist $5.00 for a license and a tag entitling him to park on the streets. One million dollars additional annual revenue would be gained thereby.

Promotions in the City Manager Profession.—John G. Stutz, secretary of the City Managers' Association, reports that there have been 108 promotions in the city managership profession. Of these eighteen occurred during the past year. Twenty six per cent of the appointments made in the past twelve months were in the form of promotions of managers from smaller to larger cities at increases in salary. The tendency on the part of city councils to demand experienced city managers is one of the most promising features of the development taking place in the profession.

✣

Who Has the Right of Way?—Does the "Go" signal give an automobile driver the right of way against a pedestrian? This question is asked in an interesting note in the *University of Pennsylvania Law Review* for February and is answered in the negative. The driver may be liable for negligence although the traffic signal is in his favor. (Gilles *vs*, Leas, 282 Pa. 318). On the other hand, when the signal is with the pedestrian, he does not possess an absolute right of way. (Panitz *vs*. Webb, 130 Atl. 913, Md., 1925). In view of the fact that these cases are in harmony with earlier ones decided, it may be accepted as the law that neither the driver nor the pedestrian has a prior right of way at the crossing. Each has a duty to exercise care. The "Go" signal merely means that the driver may proceed as he would have proceeded had there been no signal at all. And the pedestrian has the duty to look out for vehicles which entered the intersecting way before the signal was set against them.

✣

State Finances in 1924.—The United States Bureau of the Census has released a summary of the financial statistics of state governments for 1924. The total assessed valuation of property in all the states subject to general property taxes amounted to $131,333,557,000, or a per capita of $1,180. The total revenue receipts of all the states were $1,370,066,000, or a per capita of $12.31; while the total cost of government amounted to $1,513,628,000. The gross debt of the states outstanding at the close of 1924 amounted to $1,738,605,000, or $15.62 per capita. Comparing these figures with those of 1915, the census bureau finds that revenue receipts have almost trebled in nine years, for in that year they amounted to only $458,233,000 or $4.66 per capita. The net debt of the states amounted to $1,183,467,000 in 1924 or $10.63 per capita; in 1915 it was only $424,155,000 or $4.31 per capita.

✣

Kansas City Sentences Reckless Drivers to Stone Pile.—Kansas City is taking drastic measures to punish and prevent reckless automobile driving. At this writing there are nine white and five colored men working on the municipal rock pile, making little ones out of big ones, as punishment for careless driving or operating a car when intoxicated. The sentences have ranged from fifty dollars and twenty days to two hundred dollars and six months. Several other offenders have been parolled to the welfare board because their families need their support. It is said that public sentiment would not have tolerated such severe penalties three months ago but they seem to have a sobering effect and are now approved in the interests of children.

Nat Spencer.

✣

Are Government Employees Lazy and Worthless?—Martin L. Davey, congressman from Ohio, wants the National Municipal League to get behind his bill empowering the president to fire employees and abolish bureaus at will, in the interest of economy and efficiency. He writes, "For seven years, I have observed the departments and bureaus of the government at Washington at close range, having had official business with nearly all of them. I am simply appalled at the loafing, indifference and inefficiency. There are thousands upon thousands of unnecessary employees and endless duplication of alleged effort. There is an inexcusable waste of much more than a half billion dollars a year."

How does Mr. Davey know all this? A few careful statistics plus some recommendations are needful if Mr. Davey wishes to get us all roused up.

✣

Protect Industrial Districts.—Edward M. Bassett, the noted authority on the law of city planning and zoning, has called attention to the need for protecting industrial districts in the zone plan. Usually the cry is for protection against encroachment by industrial districts and we have perhaps forgotten that they themselves may be entitled to pretection as well.

While areas suitable for homes should be guarded against sporadic industries, declares Mr. Bassett, it is fully as necessary that the zoning plan should preserve along trunk line railroads abundant districts for industry. The original zoning plan for New York city provided for such areas liberally, not only for the present but for the distant future. It is evident that, as the city grows, new areas along the railroads and waterways will be needed by industry. These are carefully provided for in the zoning plan and a moderate degree of foresight on the part of the board of estimate will keep available industrial areas much greater in extent than the actual demands. One of the greatest wrongs that the local legislature of the city could bring about would be a shortage of space for industry in Greater New York.

✣

Twelve More Michigan Cities Quit Power Plants.—Twelve municipally owned and operated electric service plants in Michigan were abandoned last year, according to a survey by the Michigan Public Utility Information Bureau.

In the earlier stages of electricity, when long distance transmission was unknown, every community in Michigan that wished electric service provided it locally. During those years 143 Michigan cities and villages bonded themselves for electric plants and distribution systems. But long distance transmission caused the replacement of local plants by central station service.

The 143 communities are now classified as follows: Seventy-five towns abandoned their plants, of which sixty-two changed over to complete service by private enterprise, while thirteen retained their local distribution systems. These are operated with power purchased from nearby utilities.

Fifty-nine cities still generate electricity locally. Of these fifteen purchase substantial quantities of power from neighboring utility companies. There are a half dozen modern and adequate municipal plants in the state. Most of the remaining cities operate on economy schedules, turning off street lights at midnight and rationing power to industries.

This leaves nine towns of the number which distribute municipally but which have never generated any electricity locally. They are communities that built distribution systems with public funds to obtain electricity from private companies.

⁂

Decision on Texas Road District Bonds Causes Alarm.—In January, the supreme court of the United States handed down a decision restraining the sale of $300,000 worth of bonds, the proceeds of which were to be used to build roads in Road District No. 2 of Archer county, Texas. The court held that the enforcement of the tax to meet the bonds deprived certain owners of their property without due process of law and therefore contravened the fourteenth amendment. The Texas law under which the bonds were to be issued provided that the county commissioner's court must, upon demand of fifty property tax paying voters resident in any proposed road district in the county, order an election in the district to determine whether bonds shall be issued for road purposes. If two-thirds of the voters approve, the commissioner's court must issue the bonds and levy a tax to pay the debt as it matures. A year ago a petition praying for the establishment of Road District No. 2 and for the issuance of $300,000 worth of bonds to build roads was presented. In accordance with the law the district was created and an election ordered at which the bond issue was approved by more than the necessary two-thirds vote.

Residents of the northeastern part of the district discovered that they would not be benefited by the roads to be built and that their inclusion in Road District No. 2 would prevent them from creating a separate district during the thirty years in which the bonds were to mature. They therefore brought suit to restrain the issue.

The supreme court held that the proposed advalorem tax on the property to pay for the bonds was a special assessment and not a general tax. The legislature had not created the district and had not defined its boundaries. The district was not a municipal corporation, and the tax levy was not a consequence of a legislative determination because it was not made by the legislature or by a municipal body possessing legislative powers. Had the special district been a municipal corporation, the owners of property therein would have had no constitutional right to be heard on the question of whether the new roads, to be financed from general taxes, would benefit them. But when there is no legislative determination that property will be benefited, due process requires that owners of property to be taxed shall be given opportunity to be heard. The appellants had been denied all such opportunity and the act providing for such districts with powers as above outlined was held to be repugnant to the fourteenth amendment.

Great alarm was felt at once concerning outstanding road district bonds which, according to the *Bond Buyer*, amount to $75,000,000 for Texas alone. It was also seen that the decision may apply to districts other than those created for road purposes. The effect on bond sales (especially district bonds) can well be imagined and newspaper dispatches are to the effect that the sale of the bonds of Texas municipalities, as sound legally as ever, has been influenced adversely. A petition for a rehearing is now before the supreme court.

⁂

Amended Standardization Plan Adopted in Detroit.—Detroit has taken another advance step in its municipal government. Under the present charter, which became effective January 1, 1919, the city budget is prepared annually according to regulations which are believed to be as efficient as any now followed in American municipalities. By action of the city council and mayor at a recent meeting of the council, a plan was adopted which, to a large extent, will provide the budget-makers, who are the mayor, council, and heads of departments, with a "yardstick" method of measuring salary adjustments, in line with classification of about 17,000 municipal positions.

This action results from about two years of study, in which city officials have been assisted by a score of civic organizations interested in the problem. These included the Detroit Bureau of Government Research, Board of Commerce, Detroit Citizens League, Associated Technical Societies, and others. The civic groups are loosely organized in a Governmental Committee, whose function is to co-operate with city officials in consultation for promotion of highest possible standards in municipal administration.

About two years ago, E. O. Griffenhagen of Chicago, representing the firm of Griffenhagen and Associates, was engaged to make a thorough survey of the Detroit situation as to positions and salaries. The Griffenhagen report, after many hearings with officials and civic groups, was filed officially with the civil service commission, under whose auspices the study had been made. About one year ago, the city council and civic agencies, with the Griffenhagen report as a basis, began a series of conferences with heads of city departments, preliminary to adoption or rejection of the Griffenhagen report.

Naturally the probe aroused a vast number of controversial issues, particularly from the standpoint of municipal employees. Department heads, in many cases, also criticized severely classification details of the Griffenhagen report, or recommendations submitted as to promotions, minimum and maximum salaries, and the like. It was evident that any plan of standardization, if adopted, would sail very rough seas because of personal and political pressure from many opposing critics.

In spite of efforts by the conservatives, many of whom opposed any standardization scheme whatever, the council, mayor and civic agencies patiently worked out the problem, being advised at times by representatives of the Governmental Committee, whose chief spokesman was Capt. A. Harrington Place of the Research Bureau. The report, as submitted to the civil service commission and by it submitted to the city council last spring, was referred back for further study during last summer. It was then submitted again to the council, and ran the gauntlet of criticism and suggestion with a fair degree of success. Some of the most efficient and trustworthy department heads opposed the program, either as a whole or in details, on the ground that it would put too many restrictions on the freedom of administration which they felt necessary in order to carry on their work.

The final report, as adopted, includes substantial amendments which were the result of compromises in conference. It begins with a minimum salary requirement for positions, but deals generously with present employees who are to continue under the new plan. The most radical amendment practically eliminated maximum salary rates, in order to satisfy the demand for incentive in public service with a view to promotion. The scheme, however, carries with it the classification titles and salary rates generally recommended by Griffenhagen and Associates. On the other hand, it is admitted that the "yardstick", though available as a general guide, must be interpreted by the council with a large degree of elasticity.

The civic agencies interested, while disappointed in not attaining their ideal, finally agreed to support the amended plan, regarding it as a beginning of better things. Council members and the mayor have sincerely tried to harmonize conflicting differences among city employees and department heads, and they definitely promise that the plan will be stiffened and strengthened after a year of trial. It was adopted just in time to be available for the budget-makers, whose four months' task began January 1.

William P. Lovett.

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Reduction Proposed in Newport's Mammouth City Council.—Dissatisfaction has developed in Newport, Rhode Island over the unique form of city council which attracted so much attention about twenty years ago. This council consists of 195 members, thirteen being elected biennially from each of five wards for a six-year term. The original plan provided for annual elections and three-year terms but this was changed in 1921. The chief advocate of the plan at the time it was instituted was Rear-Admiral F. E. Chadwick, then retired and living in Newport. In a paper read before the 1907 meeting of the National Municipal League in Providence, Admiral Chadwick described and defended his plan. The idea was to get back as nearly as practicable to the New England town meeting ideal. The Brookline scheme was accepted as a pattern but the purpose of establishment was different in each case, since Brookline's problem was to reduce the town meeting while Newport's was to enlarge the city council. In Newport there is a mayor and board of five aldermen, but the system cannot be said to be bicameral since the representative council exclusively controls the appropriations, appointments, and ordinances. The mayor and board of aldermen have merely the function of overseeing the city departments and reporting thereon to the representative council, for which purpose they not only submit reports in writing but also appear in person at the council meetings to answer questions. Elections are held in December and are non-partisan, all nominations being by petition.

Criticism of the plan centers chiefly on the lack of public interest which has its reflection in the failure to obtain good men to stand for the council. It is admitted that, probably due to its being a novelty, this was not true in the beginning, but interest and high quality membership have tapered off in process of time and it is now usually difficult even to obtain a quorum for the meetings. The new bill has been introduced into the legislature by Fletcher W. Lawton, a member from Newport and chairman of the important judiciary committee which has charge of the bill. It reduces the council to twenty-five, five from each ward, changes the election to the regular November date, and provides for partisan nominations.

In addition to the reasons back of the proposed change which have already been mentioned are some which arise from the particular conditions in Newport. It is to be remembered that, in Rhode Island cities, only those persons taxed on $134 worth of property may vote for city councils. This figure, which was determined by the actual value of the old forty pound freehold requirement at the time the country changed from pounds to dollars, is of course absurdly low today. It is felt that too many of the personal property holders get into the council, having themselves assessed for this purpose to the extent of only $200. A smaller council would probably have elected to it a larger proportion of real estate tax payers. However, a partisan motive may be at work here, since the lower payers tend to be Democratic and the higher Republican. On the other hand, many fear to permit the council to become too small, lest the millionaire summer residents, who pay about seventy per cent of the taxes, obtain too great an influence over it.

At present writing, the bill is in committee stage and a hearing will probably be held. A survey of the situation indicates that there is little doubt but that the bill will pass. Public opinion is unaminous for a change as everything seems wrong with the present government.

In the meanwhile the president of the Rotary Club has asked for a city manager but there is no probability that any amendment will be made to the present bill to include this. In connection with the suggestion, however, it is interesting to note that Admiral Chadwick in his 1907 address praised the German burgomaster system, although he gave no other hint of foreseeing the development in America of the city manager plan. It is probable that a thorough revision of the charter will be undertaken in the not distant future.

C. C. Hubbard.

Brown University.

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Spendthrift Cities

Editor, National Municipal Review:

Sir: As the National Municipal Review becomes more useful each year for recital of facts and exchange of opinions in the municipal field, I assume that the editor or his readers will appreciate a word of dissent from the article by Nathan Matthews, former mayor of Boston, on "Soundness of Boston Charter Demonstrated by Fifteen Years' Experience."[1]

Mr. Matthews supports well his position favorable to the Boston charter procedure since 1909. I have heard no serious questions asked from authoritative sources on this general proposition. But as to the conclusion which he reaches concerning the special functions of the Boston finance commission, based on comparisons with other cities, the distinguished ex-mayor of Boston falls into the same error which he committed before the meeting of the National Municipal League held in Boston in 1924.

On that occasion, Mr. Matthews reviewed the history of the Boston finance commission, discussed the comparative tax rates and municipal debts in Boston and other cities, and by such comparison, without a word as to the varying conditions of municipal construction and expenditure in other cities, concluded that Boston was infinitely superior, not only in its finance commission system, but in its refusal to invest tax monies in any large way for purposes of public improvement, beyond the customs or habits of years gone by.

I raise the question whether Mr. Matthews' conclusion, based on his comparisons, is justified by the facts either in Boston or in the eleven other cities with which comparison is made. Briefly he says that the Boston system, including its beneficial reforms, is "a complete system of checks and balances upon the expenditure of municipal money." With this and other points in the plan there are no doubt wise authorities who will differ on the principle involved, but he further says, "The American people are a spendthrift nation, both as individuals and when organized as municipal corporations."

Mr. Matthews decries "the race for extravagance." He admits in Boston "extravagant and unnecessary expenditure of the past fifteen years," and "scandals which have been exposed from time to time by the finance commission." But the point I raise particularly is covered in the following sentence: "It can be said of course that the different cities are differently situated with respect to the necessity for large expenditures and loans." In the entire article, purporting to have scientific value, this is the one single statement on a basic element in the problem which, in my judgment, should be greatly developed and buttressed by investigation of facts if the complete argument of Mr. Matthews is to be accepted. Instead of furnishing facts, he concludes, "but this argument is usually put forward as an excuse for extravagance in individual cases."

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[1] Published in the Review, November, 1925.

Viewing with alarm the alleged reckless expenditures of other cities, Mr. Matthews says, "When we note what has been going on in these other cities, no impartial observer can deny that the difference between the financial conditions of Boston and that of the other cities is due to the adoption here and here alone of the financial changes of 1909 and to the work of the finance commission."

In the field of scientific study, I venture to submit this question: Where are the facts showing that Boston itself has not suffered by undue restraint of expenditure since 1909?

I do not profess to know, but I am skeptical of the conclusion reached by Mr. Matthews on the data which he furnishes or fails to furnish. Casual visiting in the Hub City certainly suggests many directions in which the people of Boston might have profited by greater investment of their funds in public improvements here or there.

Is it scientific and trustworthy as a method, simply to talk about the tax rates and municipal investments, known as debts, with absolutely no facts at hand by way of comparison showing the tremendous differences among different cities as to the need for expenditures? During the National Municipal League session more than a year ago, when Mr. Matthews took a similar position, Dr. A. R. Hatton and others replied as I am now replying, that if he knew conditions of rapid municipal growth in such cities as Cleveland, Kansas City, Chicago, Los Angeles, Pittsburgh, and Detroit, his whole line of argument would be quite different.

All of which, stated above, in no sense is a criticism of the Boston plan either for Boston or possibly other cities. It is a criticism, and a serious one, of the common habit which too many men in public life follow, of estimating financial programs, as to merit or demerit, solely on the basis of tax rates, municipal debts and total expenditures.

Without knowing local conditions of need, I contend that it is utterly futile thus to compare cities or to estimate the value of methods in one's own city. A municipality, unlike an industrial corporation, is not in business for profit but for service, though principles of economy should apply equally in both cases. The test of municipal efficiency often may be not how little, but how much, has been expended as wise investment in services absolutely needed by the people.

W. P. Lovett.

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The Governor and the Public Service Commission of Pennsylvania.—The public service commission of Pennsylvania is an agent of the state legislature. It fixes rates and service standards by virtue of authority vested in it by the legislature. The governor of the state has a share in appointing and removing members of the commission, but only by legislative sufferance; and this power could be taken from him at any time by legislative action.

Such is the substance of a decision handed down by the highest court of Pennsylvania in November, 1925. The Public Service Company Law of 1913 provides for the dismissal of members of the commission by the governor and the senate, after charges have been preferred and a public hearing held. Such an arrangement is customary. Of the forty-seven states having public service commissions, apparently only four authorize the governor to remove commissioners at his pleasure.

Last July, however, Governor Pinchot demanded the resignation of a member of the public service commission, and, when he refused to resign, summarily dismissed him. Less than a week later another commissioner was given a permanent vacation. The governor based his right to ignore the prescribed form of dismissal on a clause of the state constitution which provides that "Appointed officers . . . may be removed at the pleasure of the power by which they shall have been appointed." Since he was the appointing authority, maintained Mr. Pinchot, he had the sole right of dismissal, and any statute limiting his power in this respect was *ipso facto* unconstitutional.

The dismissed commissioners, who claimed that they were still legally members of the public service body, naturally disputed the statement that the governor was the appointing authority. Since nominations made by him were subject to the confirmation of the senate, they maintained that the appointing authority was not the governor, but the governor and the senate.

It seemed that the case would turn upon the interpretation of the phrase "power by which they shall have been appointed."

But the court considered this point of minor importance. It went back as far as *Munn* v. *Illinois* to demonstrate the legislative nature of rate making. The legislature could fix rates itself, but it chose to act through a commission. Therefore it could, if it desired, appoint and dismiss the members of the commission. Instead it gave the governor a share in the matter, at the same time imposing conditions on his freedom of action. These conditions must be respected. Such, in brief, was the court's line of reasoning.

Governor Pinchot's action in dismissing two members of the public service commission was taken because of his dissatisfaction with the manner in which it treated the application of the Philadelphia Rapid Transit Company for increased fares. In September, 1924, the utility was permitted to raise its fares temporarily before the city of Philadelphia had finished preparation of its side of the case. The governor made no effort to conceal his displeasure. He declared that it was the duty of every public service commission "militantly to protect the public interest," which is likely to receive little protection from any other source.

During his term of office Mr. Pinchot made sweeping changes in the personnel of the commission. In addition to dismissing two members, he failed to offer recess appointments to two others whose names had not been approved by the senate, and accepted the resignation of another commissioner with the comment that he had intended to dismiss him.

The immediate effect of the court's decision vesting control in the legislature was to restore to their places on the commission the two members who had been dismissed. Four of the other five commissioners were appointed by Mr. Pinchot, however, and it was thought that his viewpoint would dominate the body. But when the Philadelphia Rapid Transit case finally came to a vote the temporary increase in fares was made permanent, one of the governor's appointees, John L. Stewart, casting the deciding vote. The legislature convened in special session the next day, and Governor Pinchot hastily withdrew Mr. Stewart's name from the list to be sent to the senate for confirmation, substituting the name of a deputy in the attorney general's department.

Said the governor: "In September, 1924, the public service commission acted with indecent haste in making a temporary fare . . . for the Philadelphia Rapid Transit Company, and without full and fair consideration for the rights of the people. Their action was so grossly improper that I was compelled to make a vigorous protest against it. . . .

"Two days ago, with the same indecent haste, a bare majority of the seven commissioners, . . . when important phases of the case had not been fully studied and reported on by the commission's experts, forced a decision in the Philadelphia Rapid Transit fare case. In the face of the declaration of two commissioners that they were not yet ready to act, in the face of the fact that important information in the hands of the commission had not yet been digested, a bare majority of the commission steam-rollered the minority and once more rendered hasty judgment."

Both houses of the legislature are politically hostile to Governor Pinchot, and one of the senate's first acts was to order the secretary of the commonwealth to transmit the commission of appointment of John L. Stewart, whose name had been withheld. It then proceeded to confirm the appointment of Stewart and one other man selected by the governor, refusing to approve the other names submitted to it. At present, therefore, the public service commission consists of five members instead of seven, all but one of them more or less openly hostile to Mr. Pinchot and his policies. Control of the commission has passed definitely into the hands of the legislature.

Austin F. Macdonald.
University of Pennsylvania.

MUNICIPAL SALARIES UNDER THE CHANGING PRICE LEVEL

By
WILLIAM C. BEYER
Director, Bureau of Municipal Research
of Philadelphia

An answer to the question whether the
salaries of municipal employees have
increased as rapidly as the cost of
living and how the increases
compare with those in
other occupations.

Supplement to the
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has taught us not to expect too much and surely our cities are less shameful today because of what they did.

"Confessions of a Reformer" will hold your interest from cover to cover whether you are a reformer or not and you will feel sorry for the author even if you don't sympathize with him.

⁂

Two New Departments

With this issue the Review inaugurates one new department, Public Utilities, and resumes another, Judicial Decisions. Professor C. W. Tooke of Georgetown University will carry on the duty of reporting on current court decisions relating to state and municipal government, which for a number of years was conducted by Robert C. Goodrich of the Duluth Taxpayers League. The plan for each month is to run an extended analytical note on some legal phase of local government to be followed by briefer digests of current opinions. Professor Tooke was formerly in charge of the department of public law administration at the University of Illinois and legal editor of Municipal Affairs.

The scope and nature of Dr. Bauer's department on Public Utilities is well described in the introduction to his notes for this month. The Review has long felt that there is need for more discussion of the public's side of utility operation, especially for current comment on every day happenings as they relate to the public's interest in its utilities. The private interests are well defended in a number of periodicals and it is no reflection upon them to say that this fact makes it of urgent importance that the public's case receive thorough publicity.

This does not mean that either Dr. Bauer or the Review has a bias towards public ownership. So far as the editor is capable of self-analysis, he believes in his case that the opposite is the truth. In any given situation the burden of proof is undoubtedly upon those urging public ownership but he agrees with Dr. Bauer that public regulation has fallen short of the measure of success needful and that the public must be on the alert. Both the public and the utilities must approach the problem coolly and honestly if we are not to become embroiled in unreasoning turmoil against which Professor Riggs warns us in this issue. To aid us in escaping such turmoil is the purpose of the new department.

⁂

The First Woman Mayor

Mrs. Bertha R. Landes, running on a platform which favored the city manager form of government, was elected mayor of Seattle on March 9, although the city manager charter amendment was defeated by 104 votes in a total of more than 73,000. In 1922 Mrs. Landes was elected a member of the city council and re-elected two years later by the largest vote ever given a candidate for that office. For two years she has been president of the council, by virtue of which she became acting mayor in the absence of the mayor. Those who in 1924 were following the dreary proceedings of the Democratic National Convention in New York will remember how the monotony was pierced one hot day by the news that Mayor Brown of Seattle had been hastily called home because the acting mayor had dismissed his chief of police and had taken over the office herself in a campaign to clean up the town. Forgetting the troubles of the national party, which were serious enough, heaven knows, Mayor Brown hurried home to reinstate his appointees. Since that time, Mrs. Landes has consistently opposed Brown's policy of lax law enforcement and now enjoys the satisfaction of having defeated him for re-election.

This was Seattle's second effort to secure city manager government. Just one year before a manager amendment to the charter had been rejected by 4500 votes in a total of only 56,600 after a campaign featured by the opposition of the city employees, ostensibly non-political and enjoying civil service protection but in fact rigidly organized against the manager plan under the leadership of professional politicians. The city manager advocates may take courage, however, in the larger vote and much reduced majority against the plan within the short interval of one year.

Had the manager amendment, sponsored by Mrs. Landes, been adopted she would have found herself holding a more or less ceremonial position with responsibility for operating details transferred to the manager. As it is she finds herself a "strong" mayor with large executive power concentrated in her hands. Her previous record guarantees an energetic and nonpolitical administration. It is fortunate that the first woman mayor of a large city should be so well equipped and able as Mrs. Landes.

✣

Conference Report on the Merit System The average citizen has but slight understanding of the reasons why installation of machinery for the merit system in the public service is necessary to efficient government. The average legislator has but slight understanding of the true purpose and the possibilities of such machinery. Public officials quite often fail to grasp the significance of or the necessity for the application of scientific employment principles in the public service.

The Conference Committee on the Merit System has produced a report accompanied by a draft of a bill which, however imperfect it may seem to some, is the greatest step that has yet been taken towards educating those who have a sincere desire to be enlightened. In the group that has worked out this report and draft of a bill are represented the operators of existing civil service systems, the students and theorists of the problem of government, the jurists, the propagandists and the laymen. The members of the Committee are Henry M. Waite, Chairman, and H. W. Dodds, representing the National Municipal League; William C. Beyer and William E. Mosher, representing the Governmental Research Conference; Samuel H. Ordway and H. W. Marsh, representing the National Civil Service Reform League; Charles P. Messick, representing the National Assembly of Civil Service Commissions; and Fred Telford, representing the Bureau of Public Personnel Administration.

The report is published in the January, 1926, issue of *Public Personnel Studies*, the monthly journal published by the Bureau of Public Personnel Administration. The report proper consists of six divisions: 1. The magnitude of the problem; 2. The personnel agency as an effective means of handling public employment matters; 3. The functions of the personnel agency in the public service; 4. The membership, selection and form of organization of the public personnel agency; 5. The law establishing the agency, and defining powers and duties; and 6. The agency's work from the point of view of the operating officer and the taxpayer. The appendices contain statistical tables, an outline of suggested functions of a public personnel agency, and finally, a draft of an act to create a public personnel agency.

Such a report and draft of a bill, agreed upon by these persons, will undoubtedly carry great weight with citizens who have an honest desire to know the facts and who wish to improve civil service administration.

Originally, the employment problem in the public service related primarily to the separation of administrative posts from political control; but during the years of growth of competitive examinations, which have been applied in the federal service, ten states and three hundred odd cities, many other intricate phases have arisen which have called for careful attention and scientific solution. Among these are classification of positions, standardization of salary schedules, promotion for meritorious service and the separation of the incompetent and inefficient from the service.

Expert administrators in the public service have led the way for private employers in the solution of some of their employment difficulties and in the last decade there has been a noticeable tendency on the part of private employers to adopt some of the methods which have been worked out in public employment jurisdictions. They have been accepted because of their intrinsic value and not because of any necessity for the elimination of the spoils system.

To those who are eager for a better understanding of the purpose of an up to date civil service system, the report of the Conference Committee and its draft of a bill cannot fail to be intensely interesting, and, it is hoped, satisfying.

H. W. M.

* * *

Should Transportation Be a Monopoly?

The Philadelphia Rapid Transit Company has purchased the Yellow Taxicab system of the city and intends to operate it in conjunction with the surface cars and elevated lines now under its management. Some fear has been expressed as to what will happen to taxicab service but Mr. Mitten, famous for Mitten management, has announced that he intends to move forward until all the public transportation facilities are under one control. The logic of his position is probably sound. From the standpoint of abstract economics the advantages would seem to be with the single unified system embracing all means of local transportation. But once Mr. Mitten's ideal is attained, the bargaining power of the unorganized public will be greatly reduced and the need for and difficulties of regulation will be proportionately increased. The question is: Has regulation attained such perfection as to enable it successfully to cope with the new condition towards which Mitten management is driving?

THE MOTOR-COACH DE LUXE IN CITY AND COUNTRY USE

BY WALTER JACKSON

Fare and Bus Consultant, Mt. Vernon, N. Y.

The future of the motor-coach in relation to electric cars and the new problems raised by interstate traffic. :: :: :: :: ::

TEN years ago it was the touring-car jitney, five years ago it was the soon-bedraggled jitney bus, and now it is the interstate de luxe motor-coach that is proliferating over the land like rabbits in Australia.

The touring-car jitney grew like a toadstool and died like one, after inflicting severe injury on hundreds of electric railways. However, "there is some good in the worst of us." The good that the jitney did was to arouse electric railways to the possibility of using smaller and therefore faster cars on shorter headways instead of expecting automobile owners to stand on street corners for 15 or 20 minutes for the doubtful pleasure of riding a twenty-year-old car, often imported—after becoming obsolete—from a larger city.

The motor-bus has proved a more durable competitor. The shabby contraptions of the original operators have given way to vehicles of higher and higher quality. Hand in hand with this development has come the elimination of independent, individual bus owners, partly through legislation and partly through purchase by the existing electric railways.

Furthermore, in small communities where the law or political conditions prevented relief from paving and other heavy burdens, there has been a complete replacement of rail by bus. It does not follow that the substitution has always yielded a profit. In several instances, the change has resulted in higher fares to the public without bringing a profit to the bus company. The bald truth is that no public transport system, whether trolley or bus, is likely to make money in communities where the majority of the inhabitants can ride to and from their jobs in their own or their neighbors' vehicles.

Quite a number of these replacements have been made by the local power and light company purely as a matter of maintaining good public relations. On the other hand, railways which were not owned by the power and light company have generally gone out of business altogether. The small-town bus properties that do pay are usually run by individuals who operate without the high standards of reliability and adherence to labor laws demanded of a corporation.

BUS USEFULNESS UNDOUBTED

While the replacement of trolley by bus has not proved a new road to Golconda, there is no question about the tremendous usefulness of the bus in permitting the economic development of a co-ordinated public transport system. In former days, the only way to prove to the public that a certain extension was unprofitable was to go to the enormous expense of building and operating it. To-day, a trifling fraction of the same outlay will give the same proof. Better still, the low investment cost and the flexibility of the bus will generally reduce the losses to the point where the local system can afford to nurse the new route along to the point of self-sustainment.

It would be rash, indeed, to lay down any unvarying rule with regard to the relative places of motor-bus and trolley car. Allowing, then, for qualifications in different cases, one may say that if the city transport conditions do not justify a better headway than 10 minutes, conditions favor the use of motor-buses.

The main qualification is the paving charge. Put car and bus on an equality in this respect, and the advantage lies with the trolley for headways of 15 and possibly 20 minutes.

A second qualification is the cost of power. I know of at least one "busification" that was due to the high cost of electricity bought from a power company. The railway was too small to make its own power cheaply and turned to the bus because no relief was in sight. If the power price had not been such a factor, the only bus operation in this town would have been the logical function of developing a route to a new suburb. Instead, the trolley routes were also "bussed" with no changes in their direction or length. In the first year of bus operation, the former trolley routes did 10 per cent more business on the original fare of 7 cents. In the second year of bus operation, travel fell back to trolley numbers while maintenance of buses began to go up. To-day the public pays 10 cents for the same speeds and the same headways. The bus has provided safer boarding, but it is inferior to the replaced cars in number of seats furnished, in spaciousness of seats, aisles and platforms, in lighting, in heating and in ventilation. The public's "rubber urge" cooled off after the first year and has become positively chilly since the fare was raised to 10 cents. The operator is not yet earning a return on his investment.

From the attitude of bitter opposition to the desirable applications of the motor-bus suggested by me during 1920 in a series of *Electric Railway Journal* articles on "The Place of the Bus," many old-time electric railway operators are swinging to the opposite extreme. A favorite word in their litany is "co-ordination," but in practice it turns out that they think "co-ordination" means "alternation." Hence we see the strange spectacle of trolley cars and motor-buses doing exactly the same job between two terminals and at the same rates of fare.

This misconception of the true scope of the motor-bus in cities impels me to set forth the idea of the far greater value the bus can give by offering a quasi-express service than by simply aping the street car.

USE MOTOR-COACHES FOR CITY EXPRESSES

When a jitney-bus operator competes with a street railway, he is generally unwilling to develop new areas or new kinds of customers. He simply follows the rail as closely as permitted and gives the same stop-to-stop service that the trolley does.

When an electric railway acquires the bus service, it is liable to get the idea that "co-ordination" is attained when some reduction has been made in the number of units operated. True, such reduction can be made at an actual shortening of headways because before consolidation the buses usually started just a few feet ahead of the cars; but except for the shorter waiting time, the passenger is receiving no faster service than before.

Advocates of this "alternation" of car and bus seek to justify themselves by stating that the public would be wroth at the withdrawal of the buses, no matter how many cars were operated. Doubtless, the public would be. On the other hand, it would be pleased indeed if it saw that the operation of car and bus under one management brought it something new and agreeable, to wit, the operation of express buses to the more remote points along the route while the trolley cars—which cannot pass around slower vehicles—were reserved for local service.

In discussing this kind of service, which can be made to mean so much to cities not large enough for rapid transit elevated and subway systems, I prefer to use the term "motor-coach" rather than "motor-bus" because the success of the joint operation will depend upon drawing many persons who are now using personal machines. These persons can be drawn to the public utility only by something that approaches the speed and the luxury of their own vehicles. This means that the vehicle chosen should be of high grade and relatively small capacity—say not more than 21 individual seats. In turn this implies a higher rate of fare, like 25 cents. This fare should appear reasonable enough to the type of person who "rolls his own" at a pretty stiff cost per mile and who may be paying a 25-cent or 50-cent daily parking charge on top of said cost.

It was my privilege to recommend such services in reports made at Pittsburgh and Kansas City, and it is gratifying to learn that both the Pittsburgh Motor Coach Company (a relative of the Pittsburgh Railways) and the Kansas City Railways de luxe coaches started during 1925 have achieved popularity quickly. The Chevy Chase express coaches of the Capital Traction Company, Washington, D. C., inaugurated September 15, 1925, are also on a 25-cent basis. The respective street railway fares are: Pittsburgh, 10 cents cash, 8⅓ cents token, $1.50 unlimited-ride weekly pass; Kansas City, 8 cents cash and 7½ cents or 7 cents tokens; Washington, 8 cents cash, 6⅔ cents token, but with a further charge of 5 cents cash or 3 cents ticket (sold 100 for $3) for the Maryland zone between the city line and Chevy Chase Lake.

In sum, these express, longest-haul services are run at two to three times the standard carfare.

There is a lesser differential at Toronto, where the coach fare is 10 cents and the trolley fare 7 cents cash down to 6¼ cents ticket. This is not strictly an express service, but a 5-minute headway route serving a fine residential district not conveniently reached by car lines.

The Detroit Motor Bus Company and other double-deck operators have operated non-stop services from time to time, but for franchise or other reasons these express operations have not been developed in a big way. A double-deck bus is less suitable for such business than an enlarged limousine. The public has become critical of hard tires and scanted seats. It demands, and will pay for, a vehicle fairly equivalent to the personal machine.

Experience with express-coach operation may lead to lower costs to regular riders than 25 cents per trip, but ordinarily such service is worth around double the trolley fare because of the greater speed, finer upholstery and seat for every passenger.

In British cities, a somewhat higher fare for the city or short-haul portion of a suburban run is in itself enough to reserve these vehicles for the long-haul riders. In America, with its greater spending power per man, a fare differential alone is not enough to avoid frequent stops. Extra-fare coaches must be operated frankly as express coaches if they are to serve for quasi-rapid transit purposes.

So much, then, for the difference between "alternation" and "co-ordination." Alternation is simply a reduction of waste; co-ordination is a development of new business from the ranks of that ruthless robber of street space—the personal car.

THE INTER-STATE COACH, A JUMP AHEAD OF THE LAW

And now we come to the latest child in the family of self-propelled vehicles, the interstate motor-coach. The cross-country or interurban coach within state lines has been growing lustily for the past decade ever since the first Californian rebuilt a touring car to take tourists over his marvelous land, but the interstate variety did not stand out by itself until decisions of the United States supreme court during 1924 confessed that the law had not yet caught up with the interstate operation of motor-coaches.

Here was a pretty state of thing: Transport on rails both intrastate and interstate is so closely regulated that, as occurred to a client lately, a railway cannot even *reduce* an interstate fare without thirty days' formal notice. On the other hand, comes a form of transport operated not on a private but on a *public* highway which the highest court in the land tells us cannot be effectively controlled by any laws of the states or municipalities through which it passes.

What could better prove the lack of flexibility in our interstate relations?

So many individuals and companies have seized the opportunity thus offered that to-day the utmost confusion exists with regard to the merits of, and need for, such services. There is no doubt whatever that there is a legitimate field for such operation, but how and when are they going to be regulated so that they can be run on a basis dependable to the public and profitable to the operator? Also, who is to receive the preference when regulation does come?

To-day, for example, the steam railroads, electric railways and motor-bus operators of eastern New England are engaged in the sharpest kind of struggle for motor-coach routes; and local regulatory bodies can do little to avoid waste and friction. The Philadelphia Rapid Transit Company leaps across the full width of New Jersey to get into New York, while the local electric and steam railroads of New Jersey find that more than 100 luxurious motor-coaches have been put on within a space of six months in 1925 (*vide Bus Transportation* for December, 1925) for service to New York.

Now it would be absurd to say that many of these coaches do not give the public a more direct and pleasant service than the use of four or five transportation units (buses, trolleys, steam cars, ferryboats) that are otherwise necessary in traveling between a town in New Jersey and a spot in New York city.

But it is also a fact that although the coaches charge about twice the railroad fares and are very popular—despite the present handicap of ferry delays, they are not making money consistently. As soon as one route appears profitable, it draws more competitors and then profits are at an end. On the other hand, if a comprehensive service of this kind had been developed by co-operation of the railroads themselves, the independent operator might have been scared off and the business put on a sound basis despite the absence of regulation.

The thing to be feared is that when regulation does come it will not apply the *ex post facto* principle. As in many preceding cases, it may be held that those who were doing an interstate business preceding regulation will not be required to meet the same conditions as newcomers This means a case of dog-eat-dog for years to come until the survivors form corporations, or are bought out by the railways. The latter are not likely to get bus routes just for the asking when someone else has been on the job for several years.

The present status of affairs is that the National Association of Railroad and Utilities Commissioners has urged congressional action, inasmuch as the Interstate Commerce Commission has declared it has no authority to regulate interstate coach operation. During the latter part of 1925 a draft of such a bill was prepared by representatives of the rail carriers and automotive organizations for presentation to congress.

Here the matter rests; but if the past is any guide to the future, several years will go by before interstate regulation becomes really effective. City railways lost many millions of dollars because of an erroneous belief in the quick effectiveness of municipal and state regulation of buses. Interurban electric railways and steam railroads must not repeat the error of hopeful waiting, but should occupy as many strategic routes as they can now. It will cost a lot more to buy out franchise rights later.

ELECTION REFORM AT PENNSYLVANIA'S SPECIAL SESSION

BY EDWARD THURBER PAXTON

Bureau of Municipal Research of Philadelphia

Elections in Pennsylvania last fall were marred by serious frauds in four parts of the state, but the legislature in its wisdom saw fit to reject the recommendations of the Committee of Seventy-six appointed to report on election abuses. :: :: :: :: :: :: ::

SPECIFIC reform of election laws was one of eight topics submitted to the general assembly of Pennsylvania by Governor Gifford Pinchot, in his call for the special session of that body which convened on January 13, 1926.

Brazen fraud in Philadelphia, Pittsburgh, and Scranton, in connection with both the September primary and the November municipal election of 1925 (at which judges of state courts, as well as local officers, were nominated) was a matter of record.[1] As stories of these frauds swept the state, there were numerous manifestations of disgust and rage, particularly from the rural communities and the smaller cities, as people realized that their votes could be, and were being, negatived by tens of thousands, sometimes by mere penstrokes, in other portions of the state.

OLD-FASHIONED FRAUDS EXPOSED

Governor Pinchot accordingly appointed a "Committee of Seventy-six," a body of 76 citizens drawn from all parts of the commonwealth, to ascertain and report to him the facts concerning election abuses and to recommend means of improvement.

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[1] Some of the election frauds in Philadelphia were described in the NATIONAL MUNICIPAL REVIEW for January, 1926, page 28.

Dairymen, publishers, bankers, manufacturers, ministers, lawyers, educators, business men, coal miners, social workers, and club-women found their ranks represented in the Committee of Seventy-six. Among its members were two judges, a member of congress and other public officials, the state chairman and three former state chairmen of the Democratic party in Pennsylvania, the president of the state federation of labor (a noted socialist leader), and the state presidents of the W. C. T. U., the federated women's clubs, the League of Women Voters, and two organizations of Republican women.

"Abundant evidence exists," so this committee reported, "in certain parts of Pennsylvania, notably in the city of Philadelphia, in the city of Pittsburgh, in the county of Luzerne, and in the county of Lackawanna, of the operations of a treasonable conspiracy to deprive large numbers of the citizens of their voices and votes in the selection of the officers who shall rule over them.

"It has been demonstrated that the names of persons who do not exist, and of absentees and non-residents, have been entered upon the registration books; and that agents of the conspiracy have cast and counted votes in these names.

"It has been demonstrated that votes actually and legally cast for candidates whose defeat is desired are deliberately disregarded and nullified in the computation of the election returns.

"It has been demonstrated that the election returns are falsified by adding to the votes actually and legally cast for candidates favored by the heads of the conspiracy votes not cast at all, or cast for their opponents.

"It has been demonstrated that votes are manipulated in such large numbers by these methods that in some election divisions candidates actually and lawfully defeated have been returned as victorious, while those who actually and lawfully received a plurality of the votes have been returned and recorded, by perjured election officers, as having been defeated.

BALLOT BOX OPENING RESISTED

"It is known that in addition to these frauds, revealed by examination of the registration lists and by the inspection of the contents of ballot boxes opened in the face of great difficulties imposed by the processes of the law, ballots cast for candidates opposed by the beneficiaries of the conspiracy have been invalidated by the unlawful and secret addition of contradictory marks thereto; that the election returns from some divisions have not been counted at all, but 'estimated'; and that under the operation of the loose and injudicious provision of the election laws called the 'voters' assistance' clause, which permits any voter to claim the aid of another in marking his ballot upon the mere statement that he is laboring under a disability, one man is enabled to mark the ballots of scores or hundreds of others; it is known there are districts where school teachers are not allowed to mark their own ballots, but are required to have it done by a school director or an agent designated by him; this to the prejudice of the secrecy which should surround the casting of the ballot and to the encouragement of intimidation and bribery. . . .

"The conditions above outlined are . . . a fraud upon every honest voter in the commonwealth, since each vote stolen from a candidate for state or federal office in any part of Pennsylvania, or illegally given to such a candidate, nullifies the franchise of a citizen resident elsewhere in the state; . . .

"So gross have been the election scandals recently brought to light in various parts of the state, so brazen has been the theft of votes on a wholesale scale, as to indicate . . . the existence of a grave emergency which calls for immediate and energetic action for the protection of the ballot and the preservation of the dearest rights of citizenship."

VOTING MACHINES AND PERMANENT REGISTRATION APPROVED

Thereupon, the committee recommended 12 principal changes in Pennsylvania election law:

(1) Mandatory opening of ballot boxes upon petition of five electors of the county averring belief of fraud or error in computing the vote. Present law limits the right to petition to residents of the election division (precinct) and then leaves the opening of the box to the discretion of the court.

(2) Restriction of "assistance" in the voting booth to voters actually physically unable to see or mark the ballot; the assistance to be predicated upon the filing, for preservation, of an affidavit specifying the particular physical disability.

(3) Requirement of a numbered stub on each ballot, to be inspected and detached just before the deposit of the ballot, so as to insure that each voter would deposit the same ballot lawfully given him, and to prevent the substitution of an illegally marked ballot and the carrying off of the legal ballot for illegal marking.

(4) Prompt computation of the vote, immediately after the closing of the polls, and prompt delivery of ballot boxes to the county seats.

(5) Unmistakable confirmation of the right of citizens to examine election records.

(6) Permission for the optional adoption of voting-machines by townships, boroughs, or cities.

(7) Permission (by constitutional amendment) for legislation requiring the use of voting-machines in cities or classes of cities, without imposing a similar requirement upon other parts of the state.

(8) Permanent in place of annual registration of electors, and simplification of the process of registration.

(9) Identification of voters by signature at the polls.

(10) Abolition (by constitutional amendment) of the tax qualification for voting.

(11) Removal (by constitutional amendment) of the requirement that overseers of elections be residents of the election district; and requirement instead that they be residents of the county.

(12) Requirement of jail penalties for all violations of election law.

SLAUGHTERED IN THE SENATE

Bills embodying these changes were prepared by the Committee of Seventy-six and introduced in the general assembly, with the backing of the administration, at the beginning of the special session. They faced a hostile legislature, which seems at first to have planned to accord them one public hearing and then allow them to lapse in committee.

The hearing, replete with incident, was marked by the dramatic and tragic death of Senator John P. Harris, of Allegheny county, sponsor of the election bills and in many ways the most powerful proponent of election reform in the state. Senator Harris fell from his chair, a victim of heart attack, scarcely a moment after he had finished the cross-examination and discomfiture of the attorney for the Philadelphia Republican organization, who had appeared in opposition to the bills. His death probably altered materially the course of the session.

At the hearing, too, the Democratic

state chairman, who had accepted a place on the governor's committee and had sat through its sessions without a word against its proposals, took the floor against some of its principal recommendations, especially permanent registration and the limitation of "voters' assistance."

Two radio addresses by the governor, sizzling with denunciation of "ballot thieves" and the "gang-controlled legislature," shook the rumored purpose to let the bills die in pickle. Personal letters were sent by the governor on two occasions to 30,000 citizens, and each time the results were manifest in the legislature. But they did not secure the passage of the bills.

With the exception of the constitutional amendment regarding voting-machines, all twelve measures were defeated in the senate by majorities that ranged from 7–35 to 17–25. The voting-machine amendment was first far altered from its original purpose, and then was passed possibly not without a tongue in the cheek, for constitutional amendments are not adopted until they have been passed by two successive sessions of the legislature and approved by the voters on referendum.

For the bill requiring mandatory opening of ballot boxes, a substitute was introduced and passed. It applied only to primary elections, and limited the right of petition to residents of an election division, required the petitioners to specify the fraud or error they believed had occurred, and required a cash forfeit if fraud or error were not found.

A third measure, evolved by the legislature, was enacted, creating a commission of 17 members to codify and revise the election laws and report to the regular legislative session of 1927. The commission was to be made up principally of legislative leaders and their appointees and party organization chairmen; though three members were to be appointed by the governor.

Both latter measures were promptly vetoed. The ballot-box bill, the governor stated, was less helpful to clean elections than the existing law. The resolution for an election-law commission (which carried a $25,000 appropriation) he held, by reason of the required composition of the commission, would simply betray the cause of election reform into the hands of its enemies.

Newspaper comment seems to indicate that by its course the party organization in power has placed itself badly on the defensive, and that the next result may be the appearance of new faces in familiar legislative seats when the general assembly convenes after the next election.

THE KRUMGOLD CASE, THE LAST WORD ON ZONING IN NEW JERSEY

BY FRANK B. WILLIAMS

The New Jersey court, in sharp contrast to the courts of other states, continues its hostility to zoning. :: :: :: :: :: ::

In a democracy the will of the people prevails; but in some cases it prevails slowly. In New Jersey there are more zoning ordinances than in any other state in the Union, and the courts of New Jersey have practically declared zoning in that state illegal. There are, no doubt, ways of presenting zoning to the New Jersey courts which would give them the opportunity of upholding it, under the present constitution, but the courts have declined as yet to see any connection between the zoning ordinances which have come before them and the public health, safety and general welfare. It does not follow logically, that other and more cogent evidence of this connection might not be produced in some future case; but it seems evident from a study of the decisions that the judges are not likely to change their position. In all probability the Krumgold case,[1] decided recently by the court of errors and appeals—the highest court in the state—is the last word from the courts on zoning in New Jersey under its present constitution.

NEW JERSEY BEGAN WRONG

The genesis of the existing situation in New Jersey is well known. Prior to 1924 the statutes in that state authorizing municipalities to pass zoning ordinances were numerous, overlapping and confused. None of these statutes provided adequately for boards of appeal, to be appointed by the municipality, to which individual cases of hardship and injustice arising out of the application of general rules to exceptional cases must be referred, before resort to the courts to declare the ordinance void for hardship and injustice.

In other states where enabling acts authorized boards of appeal, zoning has been sustained. It was the hope of friends of zoning that under similar statutes it would be upheld in New Jersey; and accordingly the statute of 1924, applicable to all the municipalities in the state, was passed. The vital question was whether the courts would compel the aggrieved applicant to go to the board of appeals. In the lower courts the rulings on this question were both ways, but in the Krumgold case the judges decided that this was unnecessary, the ordinance being void.

To some, boards of appeal may seem a mere technicality; but in fact they are machinery essential to the attainment of very practical results. However carefully zoning regulations are drafted, it is impossible to visualize and provide properly for all the cases which will arise under them, with relation to buildings of numberless sorts, to be erected for all kinds of uses, on lots of every conceivable size, shape, location and relation to prior development. To apply literally to the exceptional case the general rule conceived without reference to it, may cause hardship and injustice. The general rule cannot be continually changed; and if it were, exceptional cases of hardship under it would also soon appear. The only practical method of handling these matters is to place somewhere the power in exceptional cases to vary the letter of the rule, in accordance with its spirit and intent. It is most inexpedient that the building inspector, who in more than ninety-nine cases out of the hundred must apply the rule literally and speedily, should make exceptions. This function should be performed after the vast mass of the cases have been disposed of in regular course, and the exceptional cases treated by themselves. This is accomplished by giving any applicant who is denied a permit to build in a particular way at a particular place, the right to appeal; and such appeals, involving as they do the exercise of judgment and discretion, are most advantageously dealt with by a local board familiar with the facts. It is a part of this system that the litigant should be compelled to go to the board of appeals for relief from hardship and injustice, and resort—by certiorari—to the courts for a review of the discretionary action of the board. If the court decides that the board has failed to use its discretion rightly, the court will send the case back to the board for reconsideration. This system the courts generally have sustained both in zoning and other matters. In other matters it seems heretofore to have been regarded as valid in New Jersey,[2] but in zoning, as already stated, the New Jersey court, in the Krumgold case, refused to uphold it, ruling that a resort to the board of appeals, as required by the statute of 1924, was unnecessary.

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[1] *Krumgold and Sons, Inc.* v. *Mayor and Aldermen of Jersey City, N. J.* Adv. Rep., Vol. 3, p. 1546.

THE EXCEPTION WHICH PROVES THE RULE

It is worthy of note that during the period in which the New Jersey courts were coming to the conclusions the practical result of which was to render zoning under its existing constitution impossible, the other states were adding considerably to the already great preponderance of judicial opinion in this country in favor of zoning; as, for instance, in *Miller* v. *Board of Public Works*[3] and *Zahn* v. *Same*,[4] in which the highest court in California reversed the decisions in the lower courts; in *Aurora* v. *Burns*,[5] in which the Supreme Court of Illinois changed its ruling on rehearing; in the Opinion of the Justices of the State of Maine,[6] in *State ex rel. Shad* v. *Fowler, Commissioner of Buildings*,[7] in which Florida for the first time expressed its judgment on the subject by pronouncing in its favor; and notably the case of *Wulfsohn* v. *Burden, Inspector of Buildings of the City of Mount Vernon*,[8] decided by unanimous opinion of the highest court in the state of New York, which was discussed in the February issue of the REVIEW. The only outstanding exception among the late cases is *Goldman* v. *Crowther, Inspector of Buildings*,[9] overturning the Baltimore ordinance, for which there was no state enabling act. This case and the Krumgold case cannot be regarded as altogether harmful to the cause of zoning as a whole in this country, if they tend to emphasize the fact that in zoning, adequate enabling legislation, in which due provision for boards of appeal is made, is essential.

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[2] See the brief for Respondents in *Rohrs* v. *Zabriskie*, Supreme Court.

[3] 234 Pac. Rep. 381.

[4] 234 Pac. Rep. 388.

[5] 319 Ill. 84.

[6] 128 Atl. Rep. 181.

[7] 105 Southern Rep. 733.

[8] 241 N. Y. 288.

[9] 147 Maryland 282.

THE CITY MANAGER AS A LEADER OF POLICY

BY ELLEN DEBORAH ELLIS

Mount Holyoke College

Should the city manager be a leader in the formulation of policy? Is it proper that he should be "in politics"? Or must he remain merely an executive responsible for routine operation only? :: ::

To all those who are interested in the difficult problems of leadership in democracy the discussion that has been developing during the past three years in the pages of the National Municipal Review with regard to the place and functions of the city manager is of peculiar significance. I refer in particular to three articles, of which the first, "Thoughts on the City Manager Plan" by Mr. J. W. Routh, appeared in the Review for April, 1923, the second, "Municipal Government in the United States: Some Impressions," by Mr. I. G. Gibbon, in the Review for February, 1925; and the third, "Cleveland's City Manager," by Mr. Norman Shaw in the Review for December, 1925.

TENDENCY IS TOWARDS POLICY-DETERMINATION

The writers of both of the earlier articles deplore the growing tendency on the part of the city manager to become a policy-determining official. Mr. Routh suggests a definite alternative in "the enlargement of the importance of the mayor, the president of the council, and [in the] recognition of him as the real political leader of the city." Mr. Gibbon, while he declares that the machinery for deciding policy should in our cities receive greater attention than has heretofore been given to it, and urges that "some means be devised wholly outside the city manager for the public advocacy and defense of measures of policy," is not explicit as to how these things shall be brought about. Mr. Gibbon's chief objections to the assumption of the policy-determining rôle by the city manager are first, that too much authority and responsibility are thereby concentrated in one person, especially in one not elected by popular vote, and secondly, that the security of tenure of the manager, and as Mr. Gibbons fears, the permanence of the whole city manager plan is endangered by the fact that the city manager in becoming the public spokesman for the policies he advocates is thereby embroiled in local politics. Mr. Gibbon feels also, if I rightly understand him, that the formulation of policy by the city manager—the executive branch of the city government—is to be discouraged as entirely opposed to the American tradition of the separation of power and the determination of policy exclusively by the legislative branch of our government.

It is true that the determination of policy by an executive official is contrary to American tradition; but there is a growing conviction at present that American tradition in this respect is notoriously bad and unfortunate. Our whole governmental machinery devised as it was under the potent spell of the doctrine of natural rights and of the separation of powers, almost wholly precluded at the start the possibility of any adequate leadership, and it is only very slowly and with infinite difficulty that a new machinery is here and there being worked out to allow of even a moderate degree. If also, responsible leadership in any real sense is ever to come to America it will in all probability have to come first to the smaller units of government which are more flexible and more susceptible of change than are the larger governmental areas. Leadership is everywhere and always, moreover, a one man affair, and if coupled with commensurate responsibility need alarm no one, least of all a member of that country where it has been carried to so high and so beneficent a point. It is indeed frequently pointed out that even in the English cities real leadership has come more and more to be concentrated in the permanent officials of the departments, whose counterpart Mr. Gibbon finds in the city manager, in that the standing departmental committees and the borough councils are now more and more habitually accepting their advice.

FORMULATION AND EXECUTION GO HAND IN HAND

In the American city manager plan the responsibility of the manager to the council is absolute and immediate, and inasmuch as in this plan the principle of the short ballot prevails and the people are in a position to center the general responsibility for the municipal government directly on the municipal council, it may also be said that the indirect responsibility of the manager to the people is very real. It would seem also that this indirect responsibility of the executive to the people through the legislative branch is just the relationship that obtains in the English system of cabinet government. I realize that Mr. Gibbon and others, seeing in the city manager only the business expert and the permanent executive official would be loath to agree that such responsibility to the people is a desirable thing, inasmuch as through it the manager would become embroiled in city politics,—to the impairment, as they believe, of his efficiency and independence.

Is it not, however, an equally serious question whether persons can be found with the ability required for the city managerships of our larger cities who will be without their own very definite and highly useful ideas of what to do in the city, as well as of how it should be done? In other words, in the highest executive posts do not the formulation and the execution of policy necessarily go hand in hand, and are not those who are to put the policy into effect in many ways the best judges of its practicability? And so far as their efficiency is concerned, is there not about an even chance of its being reduced through their becoming identified with city politics and through their loss of initiative and interest in being reduced to the place of mere executive? It will be remembered by those familiar with Mr. Lowell's *Government of England* with how great emphasis he declares that the first requisite in a successful responsible government is that those who are held responsible should be themselves the formulators of the policy that they put into effect, since, as he points out, no true responsibility can be felt or assumed for a plan or a policy that is not one's own.

The present objection to the city manager's assuming a policy-determining rôle is doubtless in large part the result of the fact that when the commission and the city manager plans of government were instituted in America the dominant motives were the desire to free the city from its subservience to national politics and political parties, and the conviction that local government is pre-eminently a matter of business rather than of politics. And there can be no doubt that the city manager movement has done a great deal to divorce city government from national politics and to put it on a business basis. The present tendencies in the office of the city manager, however, indicate very clearly that political leadership, conceived from the point of view of city issues and policies, is necessary and inevitable in "all progressive communities" and the question therefore becomes: Who is to assume the rôle of political leader in our cities?

CAN THE MAYOR FILL THE BILL?

Mr. Routh suggests that the office of mayor should be "exalted" and that he should be given authority to initiate legislation, with a limited veto power, and even, perhaps, the power to nominate and remove the manager with the consent of the council. Thus, he believes, can political leadership, to him an essentially legislative function, be obtained, and at the same time the legislative and executive functions be kept quite distinct, a state of things which he advocates as necessary to the success of the manager plan, and which Mr. Gibbon, also, favors as in harmony with American tradition. In such a plan the city manager becomes simply an executive in the narrower sense of the term. It would even appear that for the complete separation of the executive from the legislative advocated by Mr. Routh, he must be deprived of the right, now usually exercised, to be present at the council meetings to hear and to be heard, that rôle to go supposedly to the mayor. This as already pointed out is doubtless in accord with the part that Mr. Gibbon would assign to the city manager, although Mr. Gibbon would hardly, I think, be willing to see the mayor, who, like the manager, is only one man as over against the group, assume the leading rôle in determining policy, as Mr. Routh would have him do.

Whether an efficient and interested executive can be reduced so entirely to the executive function and so completely separated from that of policy formulation is a very great question as I have stated above, a question so serious indeed as to vitiate to my mind the position taken by both the writers I have been quoting. And in consideration of it and of the other points also stressed in this paper, the need of responsible leadership in our cities as in all the other units of our governmental machine, the actual tendency on the part of our city managers to become such leaders, as illustrated pre-eminently in the present situation in Cleveland, and the structure of cabinet government elsewhere as a successful type of responsible government, I am led to the belief that the simpler and more natural solution of this very complex problem lies along the following lines rather than along those either directly advocated, or more vaguely suggested by Mr. Routh or Mr. Gibbon.

The first requisite is, I believe, the recognition of the fact that in the city local issues and interests, which are only local politics under another name, and business efficiency must inevitably be linked together, as indeed politics and business methods can never be divorced in any governmental unit however large. It must be clearly understood that although the analogy of the city to the business corporation is closer in many respects than is that of the larger units, something more than "mere mechanical efficiency" is needed for good government, I here quote Mr. Routh, and that that something is, to quote him again, political leadership in "community thinking on community affairs." And the second requisite, I believe, is the recognizing of the city manager not only as the executive expert to put policy into effect, with a free hand to employ other experts as department heads, and special help whenever and wherever it may be needed; but also as the political leader in the formulation of policy, for the carrying out of which he is strictly accountable to the council and through the council to the electorate. Stress must, however, be constantly laid on the fact that inasmuch as many of the means which the manager must use in executing his policy are highly technical the electorate must be trained not to judge too quickly on the detail but to wait for the accomplishment of the program as a whole.

Strong justification for these beliefs is furnished by the present experiment in city manager government in Cleveland, where in spite of the fact that, to quote Mr. Shaw, "the theory of the city manager scheme and the spirit of the Cleveland charter . . . both alike, call for a dominant council and a manager who is their appointee and servant charged only with the duty of carrying out the policies they determine . . . [and] responsible directly to them for the administration only of the policies they decide upon," as a matter of fact quite the opposite situation prevails and "the whole stage of municipal affairs is occupied by manager Hopkins" who has taken the lead in the determination of policy and has in consequence become involved in City politics. Mr. Shaw feels, if I rightly understand him, that in spite of Mr. Hopkins's success, which he acknowledges to have been very great, "the theory of his actions is bad, and the precedent dangerous" and that "the only safe course is to restore the council to its full policy-determining power." May it not be however that it is the theory of the city manager plan itself that is at fault, and that the present Cleveland experiment, taken together with similar experiences elsewhere and interpreted in the light of the considerations that I have set forth in this paper, should be accepted as indication that that theory must be reformulated along new lines somewhat like those that I have here proposed?

To the successful working out of such a scheme many other movements of political reform must necessarily contribute. Some are already doing so as integral parts of the city manager plan itself, more especially the short ballot, proportional representation and the extension of the merit system. And, finally, in this as in all efforts for political betterment the supreme contribution must be the education of the voters not only in civic affairs in general, but also in the realization of their own limitations and in the willingness to be led by the right kind of leader. At best all these things come slowly; but there is every reason to believe that if a proper conception of the rôle of the city manager can be evolved, the plan itself will prove to be peculiarly well adapted to the needs and the possibilities of democracy in our cities. There is hope also that through the experimentation of the American cities with this plan we may make a real beginning of truly responsible government under efficient and interested leadership, which may subsequently be applied to our larger areas.

SKETCHES OF AMERICAN MAYORS

II. JOHN W. SMITH OF DETROIT

BY WILLIAM P. LOVETT

Detroit

From news-boy to mayor. The second in our series on the personality of municipal executives. :: :: :: :: :: :: ::

A SKETCH of Detroit's mayor should begin with a frame for the picture, as furnished by Walter Lippmann. In his Pittsburgh address before the National Municipal League Mr. Lippmann was "in favor of trying a friendly but watchful co-operation with professional politicians." He prefaced this conclusion with certain observations: "To-day I sometimes find the politician has become as sensitive to criticism as a prima donna." "There has come a realization on the part of the leading machine politicians that the old job-grafting type of government was not such very good politics after all."

At this moment in American municipal history there is probably no spot on the body politic more highly sensitive to popular opinion than Detroit. Michigan lets its cities do about as they like. Under its modern charter Detroit has entirely and actually eliminated party politics and the ward system; it chooses its mayor and nine councilmen at large. Its election system is close to 100 per cent in permitting accurate registration of the will of the people. Detroit is to-day as near a perfect municipal democracy as can be found anywhere in America. The game of politics is a game of finding out where the procession is going, and getting at the head of the line.

DETROIT'S PSYCHOLOGICAL CONDITION

As Detroit is thus sensitive to the ideas of the prevailing, active majority of its voters, so Mayor John W. Smith, who began January 1 his first two-year term in the office, though his second year as mayor, without doubt represents almost perfectly the present level of civic interest and citizen activity of the automobile city—and no prima donna could be more conscious than he of the actual state of the composite public mind. He is expected to give Detroit as good government as it deserves, no more, no less. Insofar as he falls short of any particular ideal, he will have in mind the excellent reason that Detroit "really didn't want it," or "was not ready for it." Perhaps he will be right.

Detroit, without realizing it, was preparing itself for Mayor Smith, as he was quietly getting ready to be mayor. Michigan's adoption of prohibition in 1916 was one of several factors in the political reform of Detroit. James Couzens, made police commissioner by Mayor Marx, spent two years in non-political, efficient management of the department. When the new charter went into effect January 1, 1919, he naturally fitted into the position of mayor. For four years he handled the new régime on a non-partisan, business-type program.

From the time of his resignation in November, 1922, to be appointed United States senator, till a year ago, when Smith assumed office, there had been a procession of mayors and acting mayors. The thrill of the new civic era had passed. Detroit's tremendous growth had introduced a maze of problems in material development, each involving a problem of finance, and of controlling a mounting array of construction costs. Heavy taxpayers favored more conservative expenditures than Couzens had courageously approved. Public attention, amounting to anxiety, was centered on the new experiment in municipal ownership of the street railway system.

But who for mayor? Frank E. Doremus, former congressman, a Democratic party leader, was chosen almost unanimously, but his health failed under the strain and he resigned. The acting mayor, Joseph A. Martin, a Couzens' appointee of the former régime, coveted the succession, but there was serious question as to his youth and limited experience or judgment. Naturally a vague desire was voiced for some "big business" or professional man. But the few men suggested as possibilities demurred: they preferred the quiet of profitable private life to the hazards of an election contest, the turmoil of politics and the known difficulties resting in the office of mayor.

In this situation Mr. Smith and his friends saw in advance their opportunity. They planned accordingly. In a close three-cornered fight, resulting in no majority for any candidate, Smith won in November, 1924 (after controversy over the ballot), and repeated his success last November for the full term.

POLITICAL STEPPING STONES

At the age of forty-four, "Johnnie" Smith, as he is usually designated, has come up from the bottom by a succession of political promotions flavored with a touch of romance. His humble origin, his life as a newsboy on the streets of Detroit, his services in the Spanish-American War, including a post-war period in the Philippines, and his early successes as a political leader in east-side wards, are cited with enthusiasm by his friends to prove him a "man of the common people." From 1912 to 1918 he served two years each as deputy state commissioner of labor, chief deputy sheriff, and chief deputy county clerk. A term in the state senate was followed by two years as postmaster of Detroit, under appointment by President Harding; he resigned to become a candidate for mayor.

Heredity and environment co-operated to develop in Mayor Smith an inborn aggressiveness. His Michigan connection with the Roosevelt candidacy in 1912 fitted nicely with his personal admiration of the great and only T. R. Years of political experience have brought maturity to his practical methods and at times have restrained his delight in hitting back at his political critics. He is known in Michigan as one Republican leader not afraid to take up the cudgels openly against Governor Alex J. Groesbeck: the Groesbeck-Smith feud has been running on for years. In the state senate he effectively espoused reform of county government. Most Detroiters believe his services as postmaster were marked by industry and efficiency.

MAINTAINS HARMONY WITH ASSOCIATES

Gifted by nature with human understanding and personal magnetism, Mayor Smith, on taking office last year, also showed evidences of an administrative mind: he could delegate responsibility to department heads, he could grasp readily the essential factors of a municipal problem. His inaugural address of last January showed statesmanlike analysis of the condition of the city, and of its outspreading and increasing problems of administration. He favors all possible progress within reasonable financial limits. There has been no taint of scandal. Mayor and council and department heads have worked in remarkable harmony. A score of the most prominent and representative citizens of Detroit have been drafted by the mayor for volunteer services on various commissions or special committees to investigate and advise as to matters of finance, rapid transit, sewage disposal, and the like.

Two years hence we shall have a further record for estimating our mayor. Plenty of prophets predict, as in the past, that Smith will prove to be more a politician than a civic leader. They discount his manifestly wise decisions by alleging that the exigencies of politics are paramount with him in reaching all decisions. He is charged with being "a good political weathervane," never taking a chance contrary to the wind of popular desire. Some would not be surprised if he resigned, to run for governor next fall.

While most of his appointments have been commendable, he was severely criticized on the ground that certain others had been forced by political considerations. He also faces a difficult situation in the fact that this expanding city seems dominated by liberal elements, refusing to obey the laws against gambling, prostitution, and "blind pigs." The vicious forces, commercially organized and more or less rampant, are possibly more lawless to-day than at any time in the past decade. The great majority of citizens are apparently indifferent, or "waiting to see what the mayor will do."

THE KITCHEN CABINET

The Smith program is supposed to be laid out in conferences of the mayor with a kitchen cabinet hard to equal for astute judgment of political conditions. Thus the mayor has been able to command the support of "the better elements" in the business world, and of those thousands in the common mass who have votes, who will "do their stuff" politically, and who will in turn enjoy freedom from too tight a lid on the town. In an open shop city the labor unions, and many non-union men, are with Smith. How much control the union leaders already have in the Detroit Street Railway is a serious question.

Another factor is the Ku Klux Klan. It twice supported one of the mayor's opponents, furnishing in the last campaign a major issue—but whether the issue, for Mayor Smith, was a liability or an asset is a matter of opinion. The *Times*, the Hearst paper, was the original Smith organ and has said much about the Klan peril. The *News*, independent and progressive, has lately changed its tactics and now says a good word for him. The *Free Press* supported Smith as vigorously last fall as it fought him the year before.

All of which pictures the kind of political atmosphere in which we are now living. If the citizen majority are not only right but alert, able and determined politically to sustain the best community program, there is no doubt what Detroit will enjoy. But if a plundering minority should slowly get the whip hand—well, could "Johnnie" Smith be depended on to stop them? That is the question some are asking.

"Every city is governed as well as it deserves to be," these affirm, while they regard Mayor Smith, in this situation, as an asset and a warning to our "pure democracy." The future must decide whether our mayor shall prove to be "just another politician," or, as thousands of good people hope and believe, a real executive.

ROCHESTER'S CITY MANAGER CAMPAIGN

BY STEPHEN B. STORY

Director, Rochester Bureau of Municipal Research

Professional politicians have no monopoly on political strategy. If you want to know about a well-run reform campaign, read this article. :: :: :: :: :: :: :: :: :: ::

On Election Day, November 3, 1925, 39,020 people of Rochester voted "yes" on the question of approving a charter providing for the city manager plan, while 25,903 other people recorded their opposition to the proposal. This is the first charter to be adopted as a local law by a city council and approved by the electors of a city under the recent home rule amendment to the New York state constitution. Rochester is actually going to be the proving ground for many of the principles which must, of necessity, be tested in order to establish a clear definition of the extent to which New York state cities will really enjoy home rule.

SERIOUS WORK BEGUN IN 1923

The first discussions in Rochester of city manager government occurred as far back as 1915. In the years following, addresses to organizations and casual newspaper articles called some attention to the plan. In 1923 a group of citizens announced its intention of making an effort to attempt a formal study of city government. This group appointed Isaac Adler chairman of a committee to be appointed by himself to study forms of city government. Mr. Adler selected eight other persons to form the committee with him. The personnel of the committee comprised the then presidents of the Men's City Club, Women's City Club, the Rotary Club, two labor leaders, the chairman of the Democratic County Committee, the corporation counsel of the city (the Republican organization's representative) and a member of the board of education.

At its organization meeting this committee requested the assistance of the Rochester Bureau of Municipal Research in the labor of gathering data upon which it was to base its study. The board of trustees of the Bureau voted to comply with this request and the Bureau submitted to the committee a plan which it proposed to follow in its study. This plan called for the study of a number of representative cities under the federal, the commission, and the council manager plans. Especial effort was to be made to study the cities in which the manager plan had been abandoned by vote of the people. As a measure of economy, the Bureau proceeded rather leisurely and made its study of a city whenever the press of ordinary work carried members of its staff to one of the cities on the list compiled for consideration. In the fall of 1924, because of local developments, it became advisable to abandon this rather slow method and speed up the work. All other work was dropped and the study was carried through to its conclusion. Twenty-four cities were included within the scope of the study. The local newspapers carried considerable publicity concerning the activity of the "City Government Plan Committee" and the work of the Bureau in gathering data for it. For some reason not well defined, but partially because of the fact that the people were being interested in the government, the twenty-two Republicans of the twenty-four members of the common council, and the Monroe county members of the Republican State Committee, caucused and announced through the medium of the newspapers that "the people of Rochester would be given an opportunity to vote on the city manager plan." This happened during holiday week in 1924.

CITY COUNCILS MUST ACT FIRST

This announcement naturally made a difference in the plans of the committee. Under the provisions of the New York home rule law the city councils hold the keys to situations with regard to proposals to change charters. It is not possible to introduce a charter change by petition of the voters. These changes can only be brought about by action of the city councils and by their willingness to give electors an opportunity to vote upon them. Two things can be done:

1. A council can adopt a charter or a charter amendment with certain restrictions as to a referendum, or
2. A council can submit the question, "Shall there be a charter commission?" and provide for the method of its establishment.

It was obvious that any action of the Rochester common council under these provisions (an action which must have been essentially political) could have embarrassed the people who hoped for a change in the form of government. It was possible for the council to adopt an amendment to the charter which provided the manager plan in name but which contained provisions so obnoxious that the proponents of the manager plan would be obliged to vote it down, thereby killing the "manager" idea for some time as a local issue. On the other hand, it could submit the question of a charter commission and at the same time provide for the appointment of a commission which would either produce an unacceptable charter or, by stalling, prevent the submission of its recommendations to the people for many years. Either situation would have been intolerable.

The council could have called a special election if it so desired, but it was evident that the expense of such an election was an effective barrier. The most serious trouble which the council could have caused immediately was the passage of an undesirable manager charter designed for approval at the fall election. It was necessary to arrange matters to obviate this possibility. The Research Bureau closed its work of gathering data as rapidly as possible and began the preparation of its reports to the City Government Plan Committee. Each city was reported upon separately and reports upon two cities at a time were released to the daily newspapers. These reports were published in full. When the last city was reported upon and the Bureau made its final report it released simultaneously a statement of what a model city manager charter should contain. The object of this was to present a sort of yardstick by which any charter adopted by the council could be measured. If it fell short, it could be opposed with some degree of grace.

The City Government Plan Committee held several meetings and considered carefully the reports of the Bureau. At these meetings questions were answered by the Bureau's staff and certain details of the reports amplified verbally. On March 27 the committee made its decision. Five members voted for the city manager plan, and two opposed. Two members did not vote. The committee then requested that the Bureau draft a charter providing the city manager plan.

THE CITY MANAGER LEAGUE

At about this time the City Manager League came into existence. Its first meeting was a meeting of its sponsors at a dinner at which a definite organization was formed. This organization also endorsed the plan committee's request that the Bureau prepare a charter for it to endorse and for which it would be sponsor.

The trustees of the Bureau voted to comply with these requests and authorized the retention of the best consultants and legal talent obtainable. The actual work upon the charter began on February 25, and on May 15 the completed work was handed to the executive committee of the City Manager League. Meanwhile, the League had increased its membership to more than 22,000 members. On June 23, the charter was introduced in the common council as a local law and referred to committee. All of the newspapers published it in full. The charter itself is an amendment to the present charter, parts of which are retained unchanged, and parts of which are amended simply by elision.

Under the home rule law the council must pass and the mayor must hold a public hearing on all local laws requiring vote of the people at least sixty days prior to an election. As election day fell upon November 3, September 4 became the zero day for the new charter. If the council or the Mayor delayed beyond this date the charter was lost. The whole proposal could be killed simply by inaction. To prevent this, an extraordinary campaign was planned by which sentiment would be developed for the "right to vote" upon the new charter. The common council's regular meeting dates were July 28 and August 25. At either of these meetings the charter could be adopted by the council. Accordingly, the dates set for the "Right to Vote" campaign were from August 6 to 17. Particular pains were taken to see that the plans for the campaign were disclosed to the members of the common council well in advance of the July meeting.

ADVERSE COURT DECISION HELPS

On July 7 came news of the decision of the appellate division of the supreme court declaring the home rule amendment to be invalid on grounds of the most technical character. It appeared to be a real setback, but it was decided to proceed with the campaign as planned, except that instead of getting signers to a petition asking for the adoption of the charter in order to get a "right to vote" upon it, signatures would be secured endorsing the city manager plan and any action which would lead to its adoption. The object of this change was to obtain a petition which could be used for presentation to either the common council or to the state legislature in case home rule was declared invalid by the court of appeals.

The council did not wait for the campaign to urge the plan upon it, but passed the charter unanimously on July 25.

The adverse home rule decision was a real help because it focused attention upon the fact that there was a chance for the people of Rochester to be denied the opportunity to decide for themselves what kind of a government they wanted. It gave an opportunity for a lot of unusual publicity.

The campaign for petitioners opened on schedule. The plan utilized so successfully at community chest drives was employed with teams under team captains corresponding to each election district, with divisions, division chairmen, etc., worked out to a fine degree.

Each team had its quota of names to secure. The goal set for the entire campaign was 45,000 signatures. Luncheon meetings were held daily at which reports were received and at which enthusiasm ran high. At the close of the campaign 66,000 signatures were obtained. Of these 66,000 about 11,000 were of members of the City Manager League. The remaining 11,000 members of the League made a total of 77,000 voters on record for the city manager plan. A total which was indeed impressive.

On September 2 the court of appeals reversed the decision of the appellate division and restored in no uncertain terms home rule powers. The way was then clear for the adoption of the charter.

GETTING OUT THE VOTE

The next objective of the City Manager League was getting the signers registered on registration day. A very large proportion of the signers were persons who, though qualified to vote, had never done so. The League was able to register but approximately 50 per cent of its signers. There were numerous reasons for this which cannot, for lack of space, be discussed here.

After registration day the League turned its attention to getting out the vote. Telephone and auto squads, watchers at polling places, and the other familiar machinery of elections were organized in preparation for the test on election day.

About three weeks before election opposition to the charter organized under the name of the "Non-Partisan League for the Preservation of Popular Government." This League's activity helped to keep the question before the people and prevented the charter from being adopted by default, something which it was actually feared would happen. Of this organization and its opposition, much could be said but suffice it to say that failing good arguments against the charter, it resorted to personal attacks upon George Eastman, the kodak manufacturer and one of the most loyal of the city manager supporters, and upon the members of the staff of the Research Bureau which prepared the charter.

The verdict of the people came on election day, and as soon as the first returns were in it was apparent that the efforts of nearly twelve long, hard months were successful. More real improvement in Rochester's city government will result from the new charter than it would have been possible to bring about in the next decade under ordinary circumstances.

REGISTRATION FOR VOTING IN SAN FRANCISCO

BY JOSEPH P. HARRIS

The San Franciscos ystem of registration works well, and it is so different from anything found elsewhere in this country that it affords a suggestive contrast. :: :: :: :: :: :: :: ::

THE system of registering the voters in San Francisco is unique and suggestive. The procedure is quite different from that used in other states, but it is practically identical with the system in operation in Los Angeles and the other cities of California. It is unquestionably the most satisfactory system of biennial registration in use in the United States. In the writer's recent survey only words of highest praise were used by politicians of all parties and groups, in commenting upon the system. The testimony of newspaper men, officers of civic organizations, and public men generally was all to the same effect.

THE ORGANIZATION

The machinery for the administration of registration is not unique, except for the absence of bi-partisanship. At the head of the election and registration machinery of the city and county of San Francisco is the board of election commissioners, consisting of five members appointed by the mayor. Formerly bi-partisan representation was required by law, but with the adoption of non-partisan municipal elections this requirement was dropped. The present board consists of three Republicans, one Democrat, and one Independent. The members serve for four years, with overlapping terms. Each member receives a salary of $1,000 annually.

The powers of the board are unusually wide. The board is an independent spending agency, subject to no financial control by the city and county supervisors. It has comparatively wide powers over the conduct of registration because the state election laws do not prescribe in minute detail the procedure to be followed. The various details of time, place, procedure, and machinery are all left largely to the discretion of the county officers. The board of election commissioners of San Francisco and the election officers of other counties have thus been able to modify and improve various parts of the process of registration without the necessity of getting the law changed. The most significant features of the registration system used in San Francisco and most of the rest of the state have been voluntarily adopted by the county election officers upon their own authority.

The chief administrative officer of elections and registration is the registrar of voters, who is appointed by the board of election commissioners for a term of four years. The registrar of voters has charge of the election office, subject to supervision by the board of election commissioners, which, in practice, is very slight. The present incumbent, Mr. J. H. Zemansky, has had a long and notable career in the office. He not only has charge of administrative routine, but his advice on matters of policy is followed usually as a matter of course by the board.

The permanent employees of the office consist of twenty persons, which is somewhat large for a city of the size of San Francisco. The entire force is under the civil service system of the city and county, and are permanent employees. The average length of service of the present force is exactly eleven years. Few die and none resign. No attention is paid to the political affiliation of the members of the force, and no attempt is made to maintain a balance in the office between the two political parties, as is common in other cities. Politics and political pull seem to have nothing to do with the running of the office.

The salary scale of the office force is high, but conforms pretty closely to the scale paid throughout the city and county service. It varies from an annual salary of $2,280 paid the stenographer, to $3,600 paid the chief clerk and also the chief deputy. The registrar of voters receives $5,200.

The extra help used in the conduct of registration, both in the office and in the field, are also under civil service. From 70 to 80 persons are employed in the field registration campaign, and a somewhat larger number is used in the office to handle registration prior to an election. These temporary employees are employed in order of rating from an eligible list of general clerks. They receive a salary of $150 per month while employed in the office, and a fee of ten cents per registration while at work in the field.

REGISTRATION RECORDS

The San Francisco office has a model system of registration records. The register of voters consists of an individual page for each voter, which is made in duplicate. The original is filed in loose-leaf volumes by precincts, and the duplicate is filed alphabetically for the entire city. The registration record for each voter is called an "Affidavit of Registration," and is in reality an affidavit, containing an oath which covers all the essential qualifications for voting: age, citizenship and length of residence. The voter is required by state law to give the following information, which is recorded on the affidavit: (1) whether registered elsewhere; (2) name; (3) residence in detail; (4) occupation; (5) height; (6) where born; (7) naturalization record, if foreign born; (8) statement of literacy, and also whether assistance in voting will be required; and (9) party affiliation. The voter and the registration deputy both sign the affidavit, which is dated.

Attached to each affidavit of registration is a stub, which contains the name, address, occupation, party affiliation, and precinct number of the voter. The stub is also made in duplicate. The original is filed alphabetically by precincts, and constitutes a duplicate of the precinct register. The duplicate stub is used as printer's copy in making the printed lists of voters.

Under the requirement of state law, the office has a list of the voters of each precinct printed. This list is known as the "index of voters." It is arranged alphabetically for each precinct. A complete revision is printed before important elections, but supplements are used to bring the printed lists up to date before minor elections. These lists are sold to the political parties and candidates at fifty cents per thousand names. The revenue derived in this way is negligible. Four copies of the list of each precinct are posted within the vicinity of the polls on the day of election.

The registration and election office also maintains a "directory of naturalized citizens." The naturalized citizen is required by law to present his papers when he registers for the first time in the county. The registration deputy records from the naturalization papers the name, address, place of birth, date, and place of naturalization, on a card provided for this purpose. These cards are filed alphabetically for the entire city, and from them has been printed the "directory of naturalized citizens." This volume is brought up to date by means of a supplement every two years. The naturalized citizen is not required to present his papers except when he first registers in the county. Thereafter his name may be found in the "directory of naturalized citizens," and the naturalization data secured from it. Each field deputy conducting registration is required to carry a copy of the directory for this purpose.

PROCEDURE OF REGISTRATION

A new general registration is held every two years, beginning with the first day of January in even numbered years. The voter may register at the central office in the city hall during the entire year, except for thirty days prior to an election, when registration is closed. In addition to central registration throughout the year, a field force of some eighty persons makes a house-to-house canvass of the entire city at the start of a new general registration, to register the voters at their homes. This really amounts to a census of the voters, though it is not possible for the deputies to find every voter at his residence in this campaign.

Each field deputy is assigned to a precinct and required to complete it before receiving a new assignment. The deputies are paid ten cents per registration, and it is customary for them to make return calls in the evenings to register voters who were away during the day. After the entire city is covered once, the force is put back for a second canvass over the city. On the second canvass approximately one-fifth as many voters are registered as on the first canvass. When the field campaign is finished (usually in March of even numbered years) no further house-to-house registration is conducted until two years later, when a new general registration is held.

At the close of the house-to-house registration, and also prior to every election, a number of branch registration offices are set up in the business section of the city. These branch offices are located in department stores, banks, and newspaper offices. Any person who has not previously registered may apply to any one of the branch offices, as well as the central office, and be registered from any precinct in the city. A large number of people forget about their previous registration and register a second time, but duplicates are thrown out when the affidavits are filed at the central office.

Registration deputies are also sent upon request to all kinds of public meetings to take care of unregistered voters who may be present. Every attempt possible is made to reach the potential voter. The registrar of voters gives hearty co-operation to any organization working to increase registration.

The registered voter who changes his address is required to go in person to the central office in the city hall to register from the new address. He is required to authorize the cancellation of the registration at the old address.

CORRECTION OF REGISTRATION

No provision is made for challenging registration and adjudicating the matter before the day of election. Challenges are handled by the election judges of the precinct on the day of election. The board of election commissioners is not authorized by law to cancel registrations, except upon the basis of death reports and transfer of registration.

There is no official canvass of the registered voters to check up on the residence and other qualifications. The nearest approach to a canvass is in connection with the mailing of official election pamphlets before each election. These are sent out by the election office, and by arrangement with the postoffice, undelivered pamphlets are returned, and are not forwarded to another address. The names of persons who could not be located by the postman are marked to be challenged at the polls. This practice is not specifically authorized by law, and is not used on other cities of the state. It is deemed to be of considerable value in San Francisco.

The registrar of voters may, upon complaint being filed, require any landlord to submit a list of lodgers, with the date when each lodger began to reside with him. This is rarely required.

THE COST OF REGISTRATION

The cost of registration in San Francisco is high in comparison with Milwaukee, Portland, and other cities having permanent registration, but is low in comparison with Chicago, New York, and other large cities having annual or biennial registration conducted in the precincts. In comparison with other cities in California using the same system the cost is high, owing to a high personnel cost. This may be accounted for in part by the thorough manner in which registration matters are handled in San Francisco, but there are other factors making for a high personnel cost which space will not permit being taken up here. The system of registration used in San Francisco is not necessarily expensive. The cost per registered voter in other cities of the state is much less than in San Francisco. The average annual cost of registration per registered voter (219,434 in 1924) was 40.5 cents. This estimate does not take into account the following indeterminate items: office rental, equipment charges and lighting.

ESTIMATED COST OF REGISTRATION FOR THE FISCAL YEARS, 1922–23, 1923–24

	1922–23	1923–24
Personnel Cost		
Board of Election Commissioners (50% charged to registration)	$2,500.00	$2,500.00
Registrar of Voters (50%)	2,400.00	2,400.00
Permanent office staff (50%)	20,941.00	20,941.00
Temporary office clerks (75%)	29,003.13	40,388.12
Field registration fees	11,689.35	17,619.00
Supplies and Printing		
Printing Index of Voters	4,372.94	15,900.15
Registration Affidavits ($15.44 M.)	4,761.70	....
Printing street guide and precinct book	698.00	....
Supplement to Directory of Naturalized Citizens	....	720.00
Miscellaneous forms, stationery, postage, and supplies (estimated)	500.00	500.00
Totals	$76,866.12	$100,968.27

STATISTICS ON REGISTRATION AND VOTING

A study of the statistics on registration and voting in San Francisco is interesting and significant. It follows quite closely the experience throughout the country. The percentage of potential voters registered has declined greatly since 1860, but it is significant that since 1912 it has taken an upward turn, despite the fact that women were enfranchised in 1912. The percentage of registered voters voting has declined sharply and steadily throughout the entire period. The percentage of potential voters voting has also declined throughout the entire period, but at a much slower rate during recent years.

The statistics presented here are affected by the registration system in a number of ways. Prior to 1900 an ineffective registration system permitted padding of the lists, as well as impersonation at the polls. An effective registration system has stopped this and thus lowered the percentages. Within recent years the practice of taking registration to the home of the voter has served to increase the percentage of potential voters registered. If due account is taken of the number of citizens who have not satisfied the residence requirements, and of the number who are utterly uninterested in voting, it would seem that the system of registration reaches almost the maximum number of potential voters. In 1920 and 1924 seven out of every ten citizens of twenty-one years of age were registered.

A comparison of the registration by assembly districts in 1920 is presented in the table below. The famous old Barbary Coast district, the crime center of the city, is at the bottom of the list with only 45 per cent of the potential voters registered. The common belief that the lowest strata of society, the criminal element, prostitutes, gamblers and saloon keepers always register and vote is exploded by the facts in the case of San Francisco. The following table is strong evidence that there is little fraudulent registration and voting in San Francisco, for the percentage of potential voters registered is lowest in the districts where fraud would be expected.

EFFECTIVENESS IN PREVENTING FRAUDULENT VOTING

Fraudulent voting has practically disappeared in San Francisco. There are no longer any political machines of the old type, with an army of workers reaching down into every precinct, capable of injecting fraud into the

REGISTRATION AND VOTING IN SAN FRANCISCO SINCE 1880*

Computed from the records of the office of Registrar of Voters and from the U. S. Census Reports

Year	Potential Voters†	Registered Voters	Percentage of Potential Voters Registered	Votes Cast	Percentage of Registered Voters Voting	Percentage of Potential Voters Voting
1880	53,600	43,775	82.	41,292	94.	77.
1882	57,847	42,135	73.	39,102	93.	68.
1884	62,094	50,542	81.	47,535	94.	77.
1886	66,341	48,792	74.	45,716	94.	69.
1888	70,588	58,549	83.	55,313	94.	78.
1890	74,835	59,770	80.	55,565	93.	74.
1892	79,999	67,849	85.	60,790	90.	76.
1894	85,163	68,039	80.	61,548	90.	72.
1896	90,327	72,992	81.	61,820	85.	68.
1899	95,493	62,965	66.	55,275	88.	58.
1900	100,637	76,633	76.	65,161	85.	65.
1902	105,623	70,716	67.	61,091	87.	58.
1904	110,609	81,576	74.	67,770	83.	61.
1906	115,595	51,633	45.	38,564	75.	33.
1908	120,281	75,388	63.	61,625	82.	51.
1910	125,565	75,828	60.	59,724	79.	48.
1912	236,436	134,701	57.	105,646	78.	45.
1914	250,547	161,846	65.	134,492	83.	54.
1916	264,658	182,276	69.	155,747	85.	59.
1918	278,769	175,110	63.	103,011	59.	37.
1920	292,879	209,469	71.	154,592	74.	53.
1922	306,990	200,415	65.	134,503	67.	44.
1924	321,101	219,434	68.	159,649	73.	50.

*The statistics are for the general fall elections

†Estimated for years other than census years.

REGISTRATION IN SAN FRANCISCO BY ASSEMBLY DISTRICTS, 1920

Computed from the records of the office of the Registrar of Voters and the U. S. Census Reports

District Number	Potential Voters	Registered Voters	Per cent of Potential Voters Registered
Group 1, consisting of districts located in the down town, boarding-house, slum, poorer foreign, hotel, and criminal sections			
33	25,435	11,582	45.
21	20,297	12,323	61.
30	27,264	16,775	61.
31	25,793	16,105	63.
32	38,794	26,138	67.
Group 2. Middle class residential			
29	22,288	16,050	72.
22	9,569	6,959	73.
25	20,526	15,345	75.
23	16,291	12,529	77.
26	27,427	21,146	77.
Group 3. Highest class residential			
28	29,767	21,744	73.
24	17,962	14,350	80.
27	22,105	18,353	83.

election. But the registration system also is a powerful deterrant of fraudulent voting. The voter is required to identify himself at the polls by means of the signature, which is not only compared by the election officers, but must be compared in such a way that party watchers may also make the comparison. Impersonation is practically impossible. Fraudulent voting may be perpetrated under the system, but only with considerable danger of detection.

SUMMARY

The most significant feature of the system of registration in San Francisco is the house to house canvas to register the voters. Persons who have not seen the system in operation are likely to raise theoretical objection to this procedure, but everyone who has seen the system in operation agrees that it works extremely well. The experience has been that this procedure is not at all conducive of fraudulent registration.

Another notable feature of the San Francisco system is the divorcement of the election and registration office from bipartisanship and partisan domination. The party leaders on all sides praise the administration of elections and registration in very strong terms, notwithstanding the fact that they are given no representation on the force and are not permitted to dictate the policies. Both parties and the public generally have explicit faith that all sides get a square deal in the elections.

The system of registration records is one of the best in the country. It enables the office to give a higher quality of service to political and civic organizations, voters, and the public generally, than can be found elsewhere in the country.

The statistics on registration indicate that the system registers almost a maximum number of potential voters, but 30 per cent of the registered voters fail to vote. This does not discredit the registration system, but indicates that the problem of non-voting cannot be entirely solved by efficient registration.

A bill providing for permanent registration throughout the state was introduced in the last session of the California legislature, and was supported by the registrar of voters of San Francisco upon the ground that it would reduce the cost of registration. It is quite probable that permanent registration will be adopted within a few years, but the present system, except in a few details, will hardly be changed.

MUNICIPAL ELECTIONS IN 1925

BY ARTHUR MACMAHON
Columbia University

Results of elections in all cities of 250,000 population or more.

A SUMMARY of results in the twenty-one cities of 250,000 or over in which municipal elections took place in 1925[1] will reveal situations of interest, but hardly tendencies. A bare news statement that the last municipal elections in England yielded Labor a net gain of 135 council seats carries at least an implication regarding the general social forces and social policies which were involved. In the United States, although the division of the local integrations that bear the names of the so-called national parties doubtless often coincides with deep-cutting social cleavages, this alignment is certainly not consistent from city to city and section to section. Any attempt to plot general trends in local politics in terms of party labels, furthermore, would be embarrassed by the non-partisan system of elections which—with minor variations of form and complete divergencies in the spirit of its operation—exists in as many as fifteen of the twenty-one cities under consideration. The forms of government themselves differ; thirteen of the cities use types of mayor-and-council organization; five are built on the commission pattern; three (not including Rochester) upon the manager plan.

NEW YORK

New York City—facing the election of a mayor, comptroller, and president of the board of aldermen for the city as a whole, five borough presidents (who are the other members of the crucial board of estimate) and sixty-five aldermen by wards, as well as several officers in each of the five vestigial counties and sundry judges—created a situation which for some months was swollen with interest but which was neatly pricked by the time of the September primaries. The election itself was quite flat. Everything came to center in the elimination of Mayor Hylan. The successful strategy of the Democratic leaders was prepared and all but finished for them by the tendency of the critics of Democratic domination to localize their attacks on the Democratic régime since 1918 in the mayor personally and in his immediate coterie. All that was necessary was to encourage this impression and then to amputate Hylan, leaving the city in Democratic hands but a glow of victory in Republican and reform circles. The thing was not without difficulties and dangers. It involved—or at least seemed to involve [2]—a sectional conflict within the Democratic party. There were, of course, valid reasons for Tammany's break with Hylan, apart from the tactical advantage to be gained by disclaiming responsibility for a figurehead who was the more open to attack because of the extraordinary personal advertising he had received. The mayor's affiliations with Hearst were fraught with the dangers of divided allegiance and were especially obnoxious to Governor Smith. Influential elements in the party were anxious to break the impasse in which the mayor's attitude was placing his party in such matters as the development of rapid transit facilities. Not the least reason was the desire of Tammany Hall to re-assert its threatened hegemony. Party organization in New York city since consolidation has been federal at the best and often only confederate; the survival of the counties and the establishment of coterminous boroughs—with county and borough elections and patronage—have bolstered the autonomy of the separate borough organizations in each of the parties. Tammany Hall, proper, has continued to have its base in New York county (Manhattan), with the Bronx as an appendage and assured ally, but the political center of gravity has been shifting with the spread of population. The shelving of Hylan thus appeared finally as a conflict of boroughs. His re-nomination was supported by the leaders of Brooklyn (Kings county)—Hylan's home borough—and Queens and Richmond, representing together a Democratic enrollment of 394,524; he was opposed by the New York county leader, Mr. Olvany of Tammany Hall, and by the leader of the Bronx, representing together a Democratic enrollment of 400,127.

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[1] The cities are treated here in the descending order of size based on their estimated population of 1924–25. Unless otherwise stated, the votes cited are those officially given by boards of canvassers, city clerks, etc. Except where expressly noted to the contrary, the date of the election referred to was November 3, 1925.

On September 15 two slates of candidates for the city-wide officers, named in fact by the rival groups of leaders though in form designated by petition, were submitted to the arbitrament of the direct primary. Hylan was defeated for re-nomination by James J. Walker, Democratic floor leader in the state senate. His vote throughout the city was 154,035 to Walker's 249,579, the combined total being 50.7 per cent of the Democratic enrollment. Hylan was ahead in two boroughs only; he carried Queens by 31,627 to 28,266 and Richmond by 12,197 to 6,256. Brooklyn he lost by 60,959 to 65,484, carrying twelve of twenty-five districts; and he was defeated in the Bronx by 21,311 to 45,877 and overwhelmed in Manhattan by 27,942 to 103,596. The county leaders at once resolved their differences. Hylan's damaged prestige and self-confidence hardly left him in a position to run independently. Meanwhile, the chances of Republican participation in a fusion movement—coldly viewed under any circumstances by such Republican chieftains as the leader of Kings and predicated on the re-nomination of Hylan—completely collapsed. The search for a nominee settled at last on Frank D. Waterman, manufacturer of a well-known pen and quite without experience in politics except as chairman of a business-man's committee to agitate for immediate subway construction. The selection was confirmed in a perfunctory primary contest on September 15, in which Waterman received 113,682 against 16,758 for former Secretary of State Lyons and 4,492 for W. M. Bennett. The campaign itself found the business community seemingly complacent, Republican funds slow in coming, the press almost indifferent. In a total vote of 1,142,204 marked and valid ballots, Walker received 748,687; Waterman, 346,564; and Norman Thomas, the Socialist nominee, 39,671. The Democratic candidate carried all but two of the sixty-two assembly districts in the city—the fifteenth in the Park Avenue and Central Park residential zone of Manhattan and the twenty-first in Brooklyn. Yet Democratic preponderance and Republican weakness, measured in terms of percentages of the total vote for mayor, were not more pronounced than in the preceding municipal election in 1921. Hylan had then received 63.9 per cent of the total, whereas Walker received 65.5; the Republican nominee in 1921 had received 28.4 per cent, Waterman received 30.0 per cent. The Socialist vote showed the greatest relative change, its percentage in the total being 7.0 in 1921, 3.5 in 1925. The extent of the Democratic preponderance was revealed, however, in the fact that they swept every city, county, borough and judicial office, except three of sixty-five district members of the board of aldermen.

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[2] A still obscure phase of the matter is the question of the seriousness and good faith of the support given to Hylan by leaders like McCooey, high in the official councils of the party. Did they seem to support him only to be able to lead him into the primary and thus to prevent what might have been a fatal bolt on his part? Certainly Hylan's vote-getting power was feared until he was finally eliminated. His administration was in large part an affair of the regular district leaders and they, if the matter had been theirs to settle, would probably have favored continuance of the *status quo*.

CHICAGO

Interest in municipal elections in Chicago in 1925 centered largely in the submission of the question of municipal ownership on April 2 in what was undoubtedly the most important local referendum of the year.[3] No striking changes marked the choice of fifty aldermen by wards under the formally non-partisan election method applied to the city council of Chicago in 1919[4] and first used there in 1921. At the general aldermanic election on February 24, 194 candidates were on the ballot.[5] In six of the fifty wards there was only one candidate (the well-known John J. Coughlin in the first being among those unopposed), and in ten other districts only two names appeared; but in sixteen wards there were five or more, and in three of these there were eight, nine and ten candidates respectively. Nevertheless, as many as thirty-six received a majority on February 24 and were forthwith elected, leaving only fourteen places to be filled at the so-called supplementary aldermanic election on April 7 from the two highest candidates in each case. In general, the Thompson faction was said to have fared badly. On the other hand, the defeat of the proposal for the municipalization of transportation, so warmly pressed by Mayor Dever, was thought by some to indicate a possible weakening of the mayor's hold upon his own following.

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[3] The ordinance, passed by the council on February 27 by a vote of 40 to 5, provided both for the acquisition of existing transportation facilities and for municipal construction. With it was submitted separately the question whether the city—through the municipal railway board to be established under the ordinance—should operate the properties. The ordinance itself was defeated by 227,033 to 333,759 (the total vote being 52.8 per cent of the registration as of February 7); the question of public operation was negatived by a vote of 225,406 to 333,190. Such considerations as the fact that the Chicago Federation of Labor voted disapproval of the ordinance at its meeting on March 15 warns the observer against interpreting the adverse popular vote as being necessarily against municipal ownership in the abstract, apart from the particular arrangements for purchase and financing.

[4] Laws of Ill. 1919, p. 269, adopted by the city at an election held November 5, 1919. Candidates for aldermen are nominated by petitions signed by legal voters to the number of not less than 2 per cent nor more than 5 per cent of all the votes for aldermen in the ward in the preceding election.

[5] On February 24 seven propositions for bond issues, aggregating $13,525,000, were submitted and approved by substantial margins.

DETROIT

Detroit elected a mayor, nine councilmen at large, a city clerk, city treasurer, forty-four constables in half as many wards, and voted on six propositions.[6] A lively, widely-noted contest was stimulated by the opposition of the Ku Klux Klan to the re-election of Mayor John W. Smith and certain members of the council. The Klan alleged failure to control vice,[7] but it was said that the organization, which drew help from outside, hoped to make the election a demonstration of power before the country. Mayor Smith based his campaign on an appeal against the Klan. He was re-elected over Charles Bowles by a vote of 121,206 to 111,076, with 64.7 per cent of the registered voters participating, compared with 90.6 per cent in the preceding year. Despite the mayor's personal victory, of the nine councilmen elected four were endorsed by the Klan and two opposed by it, whereas, of the nine defeated candidates, seven were disapproved and only one favored by the Klan. It should be added, however, that eight of the nine successful candidates—including the four elected with Klan endorsement—had received the recommendation of the Citizens' League before the Klan's lists were published. Detroit's election machinery is non-partisan in form.

CLEVELAND

Proportional representation received a second application in Cleveland, having saved itself by a hair in the special charter amendment election on August 11.[8] In all, 114 candidates entered the race for the twenty-five seats in the council. With two exceptions, those who were finally chosen after numerous counts and transfers would have been elected if only the first choice votes had been considered.[9]

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[6] All six measures received a majority of the votes cast thereon; the most important being an amendment to the municipal court act, with 100,825 in favor and 100,823 opposed, and a rapid transit proposal, approved by 141,991 to 51,332. The total vote on the latter was 75.5 per cent of the number voting in the election. It facilitates further study by the Rapid Transit Commission of a comprehensive scheme.

[7] Irregular methods in certain departments, rather than ineffective dealing with vice and crime, were the findings of a grand jury inquiry, made public on April 25, 1925.

[8] The vote in favor of the initiative amendment proposing repeal of the proportional representation feature of the charter was 20,353; the vote against it, 20,918—the total being only 41.3 per cent of the far from heavy vote cast for councilmen in the November election.

[9] In the first district, with seven to be elected, with forty-three candidates and with a quota of 3,691, thirty-seven counts were made, Peter Witt and S. Mitchell being first and second, respectively, both on first choices and at the end, but those who stood seventh and eighth on the first choices moved into third and fourth places, and the candidate who stood sixth at the beginning was eliminated. In the second district, with five to be elected, twenty-eight candidates and a quota of 3,267, twenty-three counts were made, resulting only in changes in the relative standing of the five original leaders. In the third district, with six to be elected, with eighteen candidates, and with a quota of 2,854, there were fourteen counts, resulting again only in changes in the final order of those who stood fourth, fifth and sixth in number of first choice

All but three of the members of the previous council were re-elected. The previous division of the council remains unchanged; fifteen are Republicans, six are Democrats, four are Independents. Observers who are meditating on the development of the manager plan of city government have found cause to speculate regarding the significance of the extent to which the idea of "supporting the manager" (Mr. Hopkins) was the slogan of the councilmanic candidates.

ST. LOUIS

The municipal election in St. Louis on April 7 was partisan in form as well as substance. The Republican slate was again successful. The Republican candidate for mayor, V. J. Miller, received 120,352 votes, against 117,223 for his Democratic opponent, W. L. Igoe, and 951 for the Socialist candidate. In addition, the Republican organization captured the office of comptroller and every one of the fourteen places in the board of aldermen which, under the scheme of partial renewal in combination with a compromise between election-at-large and the ward system, were filled by a city-wide vote on candidates standing individually for the odd-numbered wards. Despite the continuance of Republican control, the Democratic strength showed a slight relative increase compared with the municipal election in 1921; the Democratic percentage of the total vote for mayor, which had then been 46.6 per cent, rose to 49.1 in 1925. An initiative firemen's salary ordinance was approved by 143,245 to 55,313, the total for and against being 83.2 per cent of the vote for mayor. A charter amendment was also approved, but by a somewhat lesser vote.

BOSTON

Boston returned to the ward system in 1924, but clings to the scheme of a theoretically non-partisan election without a primary and without preferential voting. A factional schism in the Democratic party made possible the election of the first Republican who has been mayor since the 1909 charter was adopted. Ten candidates for mayor appeared on the ballot.[10] One of the outstanding Democratic leaders J. M. Curley—the outgoing mayor—used his influence in behalf of his fire commissioner, T. A. Glynn. The other prominent leader, Martin M. Lomasney, threw his weight behind former Congressman J. H. O'Neil. Malcolm E. Nichols (who resigned as collector of internal revenue to enter the contest) had the support of the Republican organization and the endorsement of the Good Government Association. Glynn and O'Neil together received 74,575 votes; Nichols only 64,492—35.4 per cent of the total. Of those who participated in the election, 10,904 failed altogether to vote for a councilman. Altogether, 113 candidates were in the field in the twenty-two wards. The newly elected members were said to comprise thirteen Democrats and nine Republicans.

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votes. In the fourth district, with seven to be elected, twenty-five candidates and a quota of 3,820, the man who was originally eighth was moved by the transferred votes into sixth place, displacing the candidate who stood seventh on first choice.

[10] The votes received by the ten candidates were: M. E. Nichols (collector of internal revenue), 64,492; T. A. Glynn (fire commissioner), 42,687; J. H. O'Neil (banker, former congressman), 31,888; D. H. Coakley (disbarred attorney), 20,144; T. C. O'Brien (district attorney), 9,443; J. A. Keliher (sheriff of Suffolk county), 7,737; W. T. A. Fitzgerald (register of probate), 3,188; A. B. Cook (state auditor), 1,771; W. G. McGauley (a dentist), 437; C. L. Burrill (a member of the governor's council), 276.

LOS ANGELES

Los Angeles elected a mayor, comptroller, councilmen in fifteen wards, and members of a board of education under its new charter which, as in Boston, restores the ward system. At the non-partisan primary on May 5, G. E. Cryer received 82,232 votes for mayor, as against 67,644 for B. F. Bledsoe, 9,515 for M. S. Gregory, 217 for R. L. Knapp, 392 for E. McKee, and 341 for C. J. Rindler. Mr. Cryer, having a majority, was forthwith elected in accordance with a provision of the charter; three councilmen were similarly elected, and there was no contest at all for the office of city attorney. Not unnaturally, lessened interest was shown in the general municipal election on June 20. Whereas 42.7 per cent of the number who were registered voted in the primary, the participation in the election itself was only 30.8 per cent. The mood of the electorate was prevailingly affirmative. An initiative ordinance and a bond issue were approved by large majorities at the primary; and at the general election the voters approved all of five additional bond issues aggregating $11,350,000, and also a referred ordinance and the proposal that the legislature be urged to authorize the union of municipalities in Southern California to obtain water from the Colorado River—nine propositions in all.[11]

PITTSBURGH

Pittsburgh's election was partisan in method and spirit, although so overwhelmingly Republican that it is mockery to speak of a two-party system in such a connection.[12] The Republican nominee for mayor, Judge Charles H. Kline of the common pleas court, received 75 per cent of the total vote, although there were seven candidates on the ballot.[13] Only 5.9 per cent of the vote went to the Democratic nominee, who indeed was outstripped two to one by W. L. Smith (a principal of a local high school) running on a "non-partisan" ticket. In the election of the five members of the city council the Republican candidates received in all 329,371 votes; the Democratic, 31,500; Non-Partisan, 23,500; Labor, 17,491; Prohibition, 8,566; Socialist, 3,870.[14]

SAN FRANCISCO

San Francisco, in accordance with the provision for the partial renewal of its government every two years, chose nine of the eighteen supervisors, a recorder, and certain minor officers. Members of the previous administration who ran for re-election seem to have fared badly and, of the incumbents, only the recorder was successful. The reason for this reaction probably lay in part in the disapproval felt regarding an agreement by which a private company was to participate in the distribution and sale of electric power produced in connection with the municipal water-supply system. In the election of supervisors, victory was in general with a slate brought forward on a platform that attacked the proposed arrangement. In all, there were thirty-five candidates on the ballot for the nine positions as supervisor. An initiative ordinance calling for the purchase of the properties of the Market Street Railway Company was defeated by 12,435 to 87,315.

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[11] Two of the bond issues, aggregating $10,000,000, contemplated additional water supplies from the Owens River and the Colorado River. Another, for $500,000, authorized the acquisition of property for branch libraries, etc.; and still another, for $700,000, authorized the acquisition and donation of certain property to the University of California.

[12] Regarding the election in Philadelphia in 1925 for district attorney and judges of the Municipal Court, see A. F. MacDonald, "Philadelphia's Political Machine in Action," NATIONAL MUNICIPAL REVIEW, January, 1926, Vol. 15, pp. 28–35.

[13] The vote for mayor was: Republican, 68,469; Non-Partisan, 10,745; Democratic, 5,342; Prohibition, 4,465; Labor, 1,362; Independent Citizens, 166.

[14] The local radical vote presented some variations of interest; trifling in the vote for mayor, it was larger in the total vote for councilmanic candidates, and here the Labor Party vote, although only 55 per cent of the Democratic total, was five times that of the Socialist candidates. In the election of sheriff in Allegheny County (which contains Pittsburgh), the Labor Party vote exceeded the Democratic vote.

BUFFALO

Buffalo is the largest of the commission government cities and the only city in New York state, incidentally, which in the past has had non-partisan election machinery. Mayor Frank X. Schwab was re-elected against a candidate who was supposed to have Klan support. Schwab's vote—the largest received by any candidate since the establishment of the commission plan in 1914—was 77,708, against 55,441 for Ross Graves, who had been commissioner of finance for six years. Schwab's momentum, furthermore, seemed to be influential in the election of the two other members of the commission.[15]

NEWARK

In Newark, N. J., another commission plan municipality, the voting on May 12 resulted in the upset of one of the long-standing city bosses of the Democratic party in the East, James R. Nugent. In a field of sixteen candidates, four of the members of the council were re-elected, but Nugent—a member of the council—was nosed out for the fifth place.[16] In June, Nugent was succeeded as Democratic leader of Essex County by S. I. Kessler, the executive committee being reconstructed to include representatives of the Gillen, Brennan and Nugent factions.

MINNEAPOLIS

Minneapolis has been unique among our great cities in presenting not only intensively active local labor politics but even a labor majority in the council since 1923, when the combined Farmer-Labor and Socialist forces secured fourteen of the twenty-six seats in the board of aldermen. In the general municipal election on June 8, however, only two of the seven labor members who ran for re-election managed to survive.[17] The new council consists of seventeen conservatives and nine radicals. The causes of the reversal are numerous and partly obscure. The conservative forces got out their vote; the vote of the labor wards, it was said, was down 15,000. A contributing factor to this slump was perhaps the fact that labor did not have a candidate for mayor either in the May primary or in the general election; Mayor G. E. Leach, re-elected with a vote of 53,622, was said to be hardly more conservative than his opponent, J. T. Elwell, a Citizens' Alliance man, who polled 44,989. Other causes were deeper. The railroad organizations had lacked driving power since the collapse of the trainmen's strike. Communism, so-called, had been strong in the Trades and Labor Assembly, and the attack on it had left factionalism and friction. The *Daily Star*, which had passed from co-operative management into the control of Thomas Van Lear (formerly of the Machinists Union, and Labor mayor of Minneapolis between 1916 and 1920), attacked even the Farmer-Labor members of the council who were running for re-election, on the ground that they had voted with the Socialists in the council.

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[15] In the election of the councilman for a four-year term, J. P. Moore received 64,881; Frederick Becker, 62,448; with 12,118 blanks. In the election of councilman for the two-year term, J. J. Love received 63,676; G. C. Andrews, 61,687; with 14,084 blanks. Mayor Schwab died in March last.

[16] The total number of ballots was 76,265. The vote for the leaders was: W. J. Brennan, 42,663; T. L. Raymond, 39,654; J. Howe, 38,477; and C. P. Gillen, 35,382—all re-elected commissioners; J. F. Murray, Jr. (former police judge), 35,827, defeating Commissioner J. R. Nugent, 32,374, and Mayor F. C. Breidenbach, 29,846, and nine others.

[17] Socialist (T. E. Jenson) in the twelfth ward, and a Farmer-Laborite (J. Peterson) in the sixth. The former radical majority, fourteen, was half Socialist, and half Labor. The group in the new council consists of five Socialists and four Laborites. In 1925, in addition to half the councilmen and the mayor, the city treasurer, comptroller, judge of the municipal court, member of board of estimate and taxation; school director and library directors were also elected. The election machinery is non-partisan in form.

NEW ORLEANS

The primaries in New Orleans on February 3 were sharply contested between the Behrman, Maloney and McShane factions. The primary vote was Behrman, 35,813; Maloney, 33,406; and McShane, 4,484. Maloney subsequently withdrew, leaving Behrman—who had been mayor for many years and prominently identified with one of the notable machines of Southern politics—unopposed in the general election on April 6.[18] A series of compromises and several substitutions had by this time practically reduced the candidates to one for each position, and the election itself was a mere formality, in which the total vote was barely half that in the primary. In addition to the mayor and four members of the commission-council, eleven parochial officers were elected. The successful ticket received 34,008 votes; the defeated Republican slate, 2,266.

CINCINNATI

Cincinnati's election under its new city-manager charter was especially interesting because it also has proportional representation: 119,482 valid ballots were cast—more than in the bigger city of Cleveland—with only about 3.5 per cent of the total invalid or unmarked.[19] Two of the candidates, Murray Seasongood, Republican, and E. T. Dixon, Democrat, reached the quota on first-choices. The selection seems favorable to a fair trial of the new charter. Of the nine councilmen chosen, six—four Republicans and two Democrats—are said to have been members of the committee that promoted the new charter. The other three councilmen are adherents of the Republican "organization" in Hamilton County led by R. K. Hynicka. Murray Seasongood, who originally began the fight that led to the charter, was elected by his colleagues as mayor, after caucusing by the six pro-charter members. Subsequently Colonel C. O. Sherrill—a graduate of West Point in 1901, an engineer, chief of staff of the 77th Division, A. E. F., and lately director of public buildings and parks in the District of Columbia—was chosen by the council as the first city manager.

KANSAS CITY

In Kansas City, on the other hand, the election of the council of nine members under the brand new charter proceeded along essentially partisan lines, despite the scheme of a non-partisan primary.[20] Albert I. Beach, Republican, was re-elected mayor by a hair over Ben Jaudon, Democrat, at present city treasurer, but five Democrats were elected to the council. They have announced a frankly partisan policy. H. F. McElroy, a Democrat and a party man, has been chosen city manager. At the election on November 3 only two of twenty-five bond issue propositions were adopted.

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[18] Mayor Behrman died later in the year.

[19] Perhaps because of returning confidence, bond issues for upwards of six millions of dollars were approved.

INDIANAPOLIS

In Indianapolis, after a campaign marked by bitterness but with a diminished total vote, the Republicans regained control. J. R. Duvall, who was said to have the support of the Ku Klux Klan both in the Republican primaries and in the general election, was chosen for mayor over W. Myers, Democrat, by a plurality unofficially set at 8,991. Indianapolis, seemingly, was the only city of over 250,000 population in which the Ku Klux Klan, being an issue, did not meet defeat or at least fail to win an outright victory in the municipal elections of 1925.

ROCHESTER

Rochester, N. Y.—apart from the adoption of the proposed city-manager charter to take effect January, 1928[21]—drew interest from the victory of Mayor Clarence D. Van Zandt over what remains of the old Aldridge machine in Monroe county, now led by James L. Hotchkiss. Van Zandt was in his second term as mayor, but was denied a regular re-nomination by the Republican organization. He won in an open fight in the direct primary, however; and, although running a little behind his ticket, was elected by 46,729 to 41,981 for Leroy E. Snyder, the vigorous Democratic nominee, and 3,544 for the Socialist candidate.

SEATTLE

Seattle's municipal election on March 10 was remarkable only in the fact that the city-manager plan there met its outstanding rejection of the year.[22] Three members of the commission-council were elected, and it was noted that, while the direct vote went against the adoption of the new form of government, the successful candidates had announced themselves in favor of the change.

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[20] The new charter of Kansas City was adopted on February 24 by 37,504 to 8,827—the total vote being about 40 per cent of those who subsequently voted for mayor in November. The new plan goes into effect April 10, 1926. The mayor is a member of the council of nine, which chooses the manager. Cf. Walter Matscheck, "Kansas City Adopts the Manager Plan," NATIONAL MUNICIPAL REVIEW, April, 1925, Vol. 14, pp. 207–8. The same writer, in private correspondence since the election, remarked: "The interesting experiment is: Can the city-manager plan of government be successful, particularly in a large city, where the council is definitely and avowedly partisan?"

[21] The charter was passed on July 28 as a "local law" under the recent constitutional home rule grant. It provides for a council of nine—of whom five are elected at large and four from as many single-member districts—with partial renewal of the council and a system of non-partisan primaries and elections. The council chooses a titular mayor and a city manager. The total vote on the proposed charter was 70.3 per cent of the vote for mayor in the same election. It was adopted by 39,029 to 25,903, with 31,654 ballots unmarked on the question. The validity of the home rule charter is being tested in a taxpayer's action initiated in the courts in February, 1926. The attack is general but centers especially in the provision for non-partisan elections.

[22] The proposed charter, submitted through an initiative petition, was lost by 22,789 to 27,308, with 88.5 per cent of those voting for councilmen recorded. See M. H. Van Nuys, "Seattle's Vote Against the City Manager Plan," NATIONAL MUNICIPAL REVIEW, June, 1925, Vol. 14, pp. 340–9. On March 9, 1926, the city manager plan was seemingly defeated again by 36,605 to 36,709 in an election otherwise notable because a woman—Mrs. Bertha K. Landes, already a member of the council—was elected mayor.

JERSEY CITY

No surprise attended the happening of the inevitable and the expected in Jersey City on May 12, although the event has borrowed interest from the election of Commissioner Moore as governor of New Jersey on the Democratic ticket a few months later. Mayor Frank Hague, who is commonly reckoned as one of the three outstanding "urban bosses" in the Northern wing of the Democratic party and who is certainly the outstanding example of the local "boss in office," was reelected overwhelmingly with the other members of the commission-council against a recognized, although not formally labelled Republican slate.[23]

TOLEDO

The election machinery of Toledo is theoretically non-partisan, but local party organizations were again active in behalf of particular candidates. F. J. Mery was re-elected mayor, having the support of the Republican organization and receiving 28,807 votes, against 19,941 for A. C. Jones, an independent Republican, and 10,751 for T. C. Devine, backed by the Socialist party. It was said that the Republican party had candidates for council in practically every one of the twenty wards and that about three-fourths of the successful nominees were from that party. Two tax levies were approved, but, of the eighteen bond issue propositions, twelve were negatived.

LOUISVILLE

The choice of city officers in Louisville was complicated by the issue of the Klan. Within two days of the election, the Democratic candidate for mayor, W. T. Baker, was withdrawn in the face of the Republican challenge to disprove Klan affiliation. A candidate with a disarmingly Celtic name —W. T. O'Neal, formerly judge of the state court of appeals—was offered instead by the Democrats by means of stickers pasted on the ballots. A. A. Will, the Republican nominee, was elected in a close vote.

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[23] The vote of the five re-elected as given in the official summary was: Commissioner of revenue and finance, A. Harry Moore, 70,883; Mayor Frank Hague, 69,305; director of public improvements, M. J. Fagen, 69,100; director of public safety, W. B. Quinn, 69,081; and director of parks and public buildings, J. Saul, 68,027. The five defeated candidates polled between 10,304 and 10,774 votes. The total vote in the election was 73.1 per cent of the number registered, 114,110.

RECENT BOOKS REVIEWED

Legislative Assemblies. By Robert Luce. Boston and New York: Houghton Mifflin Company, 1924. Pp. vi+691.

This is the second volume in a series of four, in which the author proposes to treat historically, descriptively and critically the legislative branch of the government in all its different aspects. The first volume was devoted to Legislative Procedure, and the next two volumes will deal with Legislative Principles and Legislative Problems respectively. The present work has twenty-five chapters dealing with such topics as "two chambers or one," "length of terms," "election and qualification," "quality, past and present," "rotation in office," "the lobby," "bribery," "contempt," and "decorum."

The volume is a veritable storehouse of information, replete with historical allusions, interesting illustrations, examples and anecdotes, and written in an informal, readable style. One can find interesting material by picking up the volume and reading at random. It lacks in penetrating analysis and in scientific organization, but no one wishing to be familiar with the legislative process can afford to ignore it. One gets an intimate insight into many aspects of legislative activity that is not available in any other book.

While it is impossible to survey the contents of the volume within the limits of a review, there are chapters that deserve special mention. The one on "the lobby" is extremely interesting and useful. All the various aspects of the problem are discussed. The development of the common law doctrines, the history of legislation dealing with it, the development of its various manifestations and practices, and the various theories and proposed remedies have all received attention. The discussion is conducted from a broad and intelligent background and in a manner that is quite illuminating.

Many readers will find special interest in the chapter on "quality past and present." The author has summoned witnesses of the highest credibility from every period in our history to prove the legislators of each period were unworthy of public confidence and esteem. Reaching the lowest depths of legislative incompetence seems to have been the peculiar prerogative of each decade. While no effort has been made to devise a method by which the relative ability of the legislators of each period might be objectively determined, there is considerable basis for the author's argument that the average quality of legislators has steadily improved.

The chapter on "contempt" is an excellent contribution to the literature of the subject. It is to be hoped that nothing happens to prevent the author from completing the series of which this volume forms a part, for they will fill a wide gap in the literature of our government.

Arnold Bennett Hall.

The University of Wisconsin.

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County Government and Administration in Iowa, Vol. IV in the Iowa Applied History Series. Benjamin F. Shanbaugh, Editor. Iowa City: The State Historical Society of Iowa, 1925. 716 pp.

This handsome and well-printed volume is, I think, the fourth book on county government to be published in 150 years, and adds an important two and one-fourth inches to the six-inch shelf of county government literature.

It is a comprehensive survey of county government throughout one state covering the law, the history and, what is most needed, the actual practice. Incidentally and with a disarming good nature and impersonality which is too little used by reformers, it proposes various specific and sweeping reforms.

It is a composite of the monographs of eight authors, and it seemed to me they varied rather widely in their success in gathering and adducing facts from the field as distinguished from facts from the law books in the library. So I soon found myself skipping arid sections of purely reference interest to find the pages wherein is produced fresh evidence of the specific actual working of county institutions and concrete suggestions for change. Altogether there is considerable of this fresh evidence, and very precious it is as an addition to the slender accumulation of such raw material.

As could have been confidently predicted, the survey finds in effect that county government in Iowa is countryfied, reflecting the easy standards of primitive conditions, with much honesty, good will and high intentions where corruption would have been easily feasible. The reforms proposed are primarily in the direction of modernization rather than of ousting graft. The boards of supervisors have a free and easy procedure that allows anyone to ramble in, join the discussion and crack a joke, but it is only suggested that they put upon a single employee the orderly handling of claims to avoid the errors, overlaps and chances for trickery that arise from the practice of auditing such claims by acclamation. The county auditor, it is proposed, should be made appointive instead of elective (right) and made purchasing agent and general supervising authority over county affairs (wrong, since he would then be the auditor of his own transactions). County treasurer's offices are in good shape, thanks partly to state supervision, but should be made appointive. So should the recorder and the clerk of the district court so as to tighten up the loose procedures that grow out of frequent senseless changes of personnel. County jails have an average of only five or six inmates and are unsatisfactory. Regional prisons maintained by the state are proposed, and it is suggested rather hopelessly that sheriffs could be appointed as wings of the state police. Coroners are found of as little value as elsewhere and their powers should be transferred to the county attorney. County poor relief is far behind modern standards as is shown by the fact that of 3,090 inmates of county homes, 1,285 are insane and are in many places not even segregated. Interest seems to be centered in making these places productive as well-run farms that will show a profit with aid of inmate labor. A policy of giving tramps a railroad ticket to the next county is disclosed. Highway administration is benefiting by the passing of township roads to the county and county roads to state supervision which has improved the engineering and eliminated much old-time favoritism in contracts. Public printing is political spoils, but the survey overlooked the opportunity to inquire as to what effect its distribution has on the political allegiance of newspaper editors. County accounting has benefited vastly by the oversight of a county accounting department in the state auditor's office which prescribes uniform systems. County health work is still small. Elections are needlessly expensive. Assessors are oversensitive to local pressure.

The composite remedy suggested proposes that the board of supervisors be given appointive power over auditor, treasurer, counsel and assessor; coroner to be consolidated with the county attorney; clerk of court made appointive by the judges; recorder consolidated with the auditor; superintendent of schools made appointive by a school board named by the supervisors; a civil service commission of three to be elective. These proposals manifest enough bold irreverence for sacred cows to lead one to wonder why no county executive was proposed as central feature of a new scheme.

A valuable and welcome contribution to a neglected field of political science, and one of several fine things to be credited to the vision of Mr. Shambaugh.

Richard S. Childs.

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Effective Regulation of Public Utilities. By John Bauer, Ph.D. New York: The Macmillan Company, 1925. Pp. viii+381.

Whether the reader agrees with the arguments and conclusions of the author or not, and very many readers will not, he must concede that the book is well written and distinctly different from nearly all other discussions of the subject.

The presentation of the author's views is unsupported by a single quotation from court opinion or other writer. In this respect the book is very unusual. It is a thoughtful presentation of ideas evidently conceived and developed while the author was engaged on the side of the public in utility regulation cases. It is entitled to a careful reading by all who have to do with public utility problems, because it is an elaboration of extreme views on the subject of regulation, many of them new ones, and is accompanied by a definite plan for much more rigid control than has ever been attempted.

It is impossible adequately to review this book in any brief article. The presentation of general principles, legal and ethical, which ought to govern public relations with the utilities is clear and fair and in only comparatively a few instances do they appear to have been stated in a spirit of partisanship.

After a discussion of the present unsatisfactory and unsettled condition of regulation, and of the difficulties facing the commissions in the attempt to fix rates for the vast number of utilities of different kinds, operating under greatly varying conditions, with rapidly shifting prices and great transitions in industrial organization, the author presents a plan for effective regulation in considerable detail. In brief, the main points of this plan may be stated as follows:

First. Rate making is a legislative function. The courts have refrained from encroaching upon this prerogative, but have contented themselves by passing upon the question of confiscation. If rate making is a legislative function it extends to the policies, principles, processes and machinery. The legislatures, or commissions with adequate delegated powers, should determine the basis of valuation and the rate of return. Valuation is not a concern of the courts. We must rely on the legislatures for the desired progress, while the courts should clarify the limits of legislative action. The author contends that the legislatures should formulate definite principles of valuation, and provide methods for continuous rate control.

Second. The problem of establishing a definite rate base appears in connection with existing properties. There should be a distinction between existing and future investments.

Third. Existing properties should all be appraised, after specific principles of valuation are established, and a rate base established. The records and accounts should all be rewritten to this rate base which should not be changed in the future except as actual additions are made and as retirements of old property are made under strict accounting and engineering supervision of the commissions.

The chapter on court decisions on valuation is a most interesting analysis from the standpoint of a layman, of a number of leading cases. It is distinctly different and very readable.

The chapter entitled Investment, Reproduction Cost and Changing Price Level, takes the ground that the fundamental of effective regulation is a fixed and unchanging rate base and that original cost less depreciation, or "net investment," should be used as such base. The objections to reproduction at different price levels, a fluctuating base, are fully argued. One point, not frequently urged, is that the large majority of investors are bondholders, who have contracted for a limited return on a definite investment, or preferred stockholders, also obtaining a definite contractual return. It is argued that if cost of reproduction is to prevail it would be unreasonable to allow the increase on all the properties, where the common stockholders would reap all the benefit, and no part of the increase would go to bondholders or preferred stockholders. The plan proposed is to take the valuation, original cost less depreciation, from this, deduct the face value of the bonds, ascertain the date of issuance of stock and increase the stockholders, investment by the percentage by which general prices have risen since the time of issuance of stock.

The chapter on depreciation argues for the establishment of depreciation reserves for all kinds and classes of property, for detailed and elaborate accounting, and for the deduction of the depreciation reserve from the original cost in the consideration of a rate base. This, however, is only in the few cases where the reserves represent the full depreciation. In the majority of cases the appraisal must be made and an estimate of depreciation, based on life tables and elapsed life, and this ratio applied to original cost. The "straight line" method is endorsed. Obsolescence must be found and taken account of.

By the time one finishes reading this chapter, and notes all the elements that go to make up deductable depreciation, one wonders whether the author finds any of the original cost remaining at all. The chapter is most interesting as being probably the most extreme presentation of the views indicated that has yet appeared.

Under the caption, Special Items in Valuation, Dr. Bauer advocates some novel theories. Land he would treat in the same manner as other physical property, appraising it at its cost, and not conceding to utility lands any appreciation as adjacent land values increase because they are limited to the special enterprise and not available for the uses which causes rise of value in other lands.

It is recognized that the development of the utility makes possible new uses which create new values, but it is held that the utility is merely a public convenience undertaken at joint expense, and to allow the utility to share in increases of value would impede and burden other enterprises.

In the discussion of intangibles, it is held that goodwill is excess earning capacity, and not entitled to inclusion in value; that past losses are legally inadmissible; that where expenditures have been made in creating business and securing customers such cost should be included as going value. The author recognizes proper overhead charges including contingencies and interest, and would amortize discount.

Dr. Bauer's discussion of present valuation methods and plea for less detail, less costly work and greater study of the property as a whole so that reasonable methods may be adopted, is most excellent.

The sections dealing with the rewriting of the accounts, and the readjustment of securities to conform to the proposed valuation present a group of arguments that are novel in the extreme, and distinctly original.

It is impossible to touch in a review upon all of the points made in this book. It is unique, advocating extreme views, presenting a plan that is novel and decidedly utopian. It places upon the utility commissions the burden of valuation of all properties, fixing a permanent rate base, controlling strictly all accounting, passing upon the propriety of all future expenditures of capital, supervising all construction of additions and betterments; in short it puts the commission in place of the management. The plan takes away all incentive to private capital to invest in stocks, and tends strongly to discourage the issue of stocks and to restrict sharply the return on stock that is issued. While not hinting at all at public ownership of all utilities, the author presents a plan which appears to the reviewer just as thoroughly to eliminate the owner and take away the incentive to individual initiative as any ownership scheme. It recognizes the bondholder whose contractual return is fixed, as the principal owner, and gives to the commission power which in realty is supreme, thus making the management a mere machine.

The author recognizes the difficult situation created by politics, by constantly changing membership of commissions, and by the frequent appointment of men to membership on commissions whose training and background is not good, but these things, it is argued, may be changed by the passage of proper laws, and the selection of men who are properly qualified.

The reviewer does not agree with a great many of the arguments which are presented, but he fully recognizes the fact that there is a strong tendency on the part of many corporation officials to go so far in the other direction that conditions may become intolerable and bring about a repetition of the public clamor which existed between 1870 and 1890, a demand for relief so strong that it may be met in some such manner as is outlined in this book.

Whether one agrees with the book or not, one must admit that it is timely, and that it is well written. There is noticeable at times a tendency to repetition, possibly deliberately intended to emphasize certain arguments, but which does not add to the strength of the presentation. This book should not only challenge the attention of those who control the utilities to-day, but should help to bring about the modification or abandonment of some extreme and unsafe views.

HENRY E. RIGGS.

University of Michigan.

PUBLIC UTILITIES

INTRODUCING A NEW DEPARTMENT

EDITED BY JOHN BAUER

Public Utility Consultant, New York City

The purpose of this new department is to discuss and promote the public aspects of the whole utility problem; to help establish a clearer economic and technical understanding of the industries involved and bring about more definite policies and methods of conserving the public interest. The department will be devoted to all public aspects of utility organization, operation and control. As to regulation, it will discuss principles and policies, causes of controversy, court decisions, legislative remedies, methods and machinery of control. It will constantly seek to bring out the essential facts, clarify the issues and consolidate sound public views for effective regulation. It will have no bias towards public ownership.

In most of these matters, there are honest differences in point of view. The department will endeavor to give sincere consideration to all disinterested and intelligent opinion. This is the only way by which progress can be made. :: :: :: :: :: ::

This department has been established by the Review in recognition of the increasing importance of public utility problems in present-day community life.

The life of any city to-day depends upon its public utilities. Most of these have been monopolized within any given community; or if not, they should be monopolized because this permits more economical and better service. Moreover, strong economic forces are rapidly bringing about in some of the utilities, notably electric light and power, a wider territorial organization and an extended field of monopoly, with still greater possibilities of economy and improved service.

In the case of the utilities we have not the usual protection that obtains in the less important services and commodities, viz.: competition among producers, and a choice between alternative services. We cannot even take or leave; for we are tied to the community economically and socially. We must take the services offered on terms on which we have no direct choice. Here we have the reasons for regulation, or for any other policy, that will protect the consumer and promote the general community interest.

DISAPPOINTMENT IN REGULATION

About twenty years ago, the method of commission regulation emerged and was very rapidly adopted by the different states. It was generally assumed that a full-fledged solution had been reached for conserving the public interest. Rates henceforth to be fixed by a duly constituted body, based on expert information, would be reasonable to consumers and bring a fair return to the companies. Also reasonable standards of service would be prescribed and enforced.

Unfortunately, these hopeful expectations have not been realized. Much more was needed than to charge the commissions with the general duty of dealing fairly with everybody, without exact formulation of principles and procedure. What is a fair return to the companies? And what are the precise constituents of reasonable rates? These questions, in turn, involve further queries as to exact determination of rates, as well as the relation of fair rates to proper standards of service. Without defining principles and methods, without fixing the exact rights of the investors and the public, rate regulation has inevitably become rate litigation, and extremely disappointing to its adherents of a generation ago.

CLARIFICATION NECESSARY

Even before the war, it became clear to close students of the subject that effective regulation required the formulation of much more exact principles and methods than had been prescribed by the statutes; principles which would define precisely the rights of the investors and the reciprocal obligations of the consumers, and methods which would provide practical machinery by which these rights and obligations could be maintained. But during and since the war, the price levels and costs of operation have shifted so tremendously and other conditions have changed so materially, that the vague and cumbersome processes have resulted in the utmost confusion and to a large extent have caused a breakdown in regulation.

DUTY UPON PUBLIC OFFICIALS

In the face of this situation, public utility problems have not only piled up on the commissions struggling with the direct task of regulation, but have involved other public officials; especially municipal officers responsible for public welfare.

Legally, the regulatory function in most states rests with the commissions which are state agencies. But, practically, the municipal authorities who are nearer to the consumers bear the brunt of complaints against unsatisfactory conditions. The outcome, therefore, has been that city officials are more particularly confronted with the failure of regulation and with the responsibility of solving the problem from the public standpoint. They cannot escape their responsibility to the public, although technically the duty rests upon the legislatures and the commissions. To a large extent they must take the leadership for constructive measures, and go to the legislatures with remedial proposals. Unfortunately, however, the municipal authorities, for the most part, have not been adequately equipped to meet these responsibilities. They have not had the basic economic and technical training to grasp the issues completely; neither have they had sufficient continuity in office, nor close enough contact with the direct operating and financial facts of the companies to work out proper long-term policies in the interest of the public.

In spite of the important issues, there has thus been a remarkable failure to develop common public views and policies on the part of officials responsible to the consumers. Almost nothing has been done to develop common principles and united action in presenting the public side in actual controversies or in negotiations with the companies. The latter have learned to co-operate and to present a united front in all their relations with public authorities. The clear lesson is that the public, too, must learn to co-operate.

LACK OF NECESSARY DATA

One of the glaring gaps has been the lack of systematic data, regularly collected and analyzed and made available to public officials. This refers not only to the special operating and financial facts of particular companies, but to a wide range of more general information which applies to all communities and should be constantly available to local officials for intelligent action. The range of such needed data should include at least the following:

An analysis of commission and court decisions on various phases of valuation and rate-making; comparative valuations made by the different commissions; comparative construction and equipment costs incurred in different parts of the country; comparative operating costs in different cities; comparative rates charged by utilities in different cities; description of important improvements made in each utility; analysis of franchise developments and special operating arrangements in the various cities; analysis of results of utilities owned and operated publicly; collections of books, articles and special reports on all phases of public utility operation, rates, service, etc.

This gap—lack of comprehensive utility information—has been a special concern to the editor of this department for many years, and in collaboration with his associates in the American Public Utilities Bureau, he has worked out a Co-operative Public Utility Service, which will regularly collect and analyze all important data of general interest and make them available to the public. This service will be strictly mutual, furnished at actual cost to the subscribers, and will be especially safeguarded for the public through an Advisory Council consisting of public officials and others known for their interest in public affairs.

THE EDITOR'S VIEWS

The department editor will frankly state that on a number of basic issues he has become rather committed to particular views. But he realizes that his own opinions are not shared by all sincere students, and that critical reconsideration and re-analysis are necessary before a sufficiently sound public policy is established for successful united action.

The editor has presented some of his ideas in a number of articles published during the past five years in the REVIEW.[1] They will be re-discussed from different angles. To a considerable extent, his views will be taken as the starting point for working out a public program which may finally be offered by the REVIEW to municipalities and other public bodies. But, there will be open-mindedness at all times. The sole guiding principle will be *the public interest*, and to that end all dogmatic preconceptions will be avoided and the truth scientifically sought.

SPECIAL UTILITY DEVELOPMENTS

Besides the discussion of policies and methods, the department will also present the more important utility developments. This will include technical changes which affect the public aspects of the industries; for example, giant power, huge hydro-electric projects, the progress of long distance electric transmission, extension of bus operation, etc. It will include also changes in financial structure and form of organization which have important public bearings, such as the tremendous progress in the holding company consolidations, consumer stock issues, non-par stocks, etc. It will be concerned with the public phases of all important developments and changes.

IMPORTANT NEWS ITEMS

The department will also contain a news section, which will present important utility programs in the different cities. It will attempt to analyze new franchise provisions and the various special agreements or contracts with the companies, as well as important rate controversies. It will particularly keep contact with public ownership projects, with an effort to make a scientific evaluation of the results. As to such projects, it will maintain an unbiased point of view. In general, it does not accept the public ownership creed; nor oppose it. The editor believes that in many instances public ownership and operation furnish the only sensible course, while in others, because of franchise or financial conditions, or because of technological considerations and problems of management, public ownership would be uneconomical. Each case must be considered on its own merits.

For the sake of making the department as valuable as possible, public officials, students, and experts struggling with utility problems are invited and urged to contribute carefully considered ideas, and especially to present any important developments as to municipal programs, franchises, rate or service cases, projects, etc. In the next issue, the department will be prepared to begin its real function, and in the meanwhile will gladly receive all important utility items, including questions and special problems in which it may be of assistance.

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[1] These ideas have been more systematically elaborated under the title "Effective Regulation of Public Utilities," published June, 1925, by the Macmillan Company, New York.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE

Professor of Law, Georgetown University

STATE CONTROL OVER STREETS

Of the current decisions of the past few months, those relating to the control of streets and highways are of especial significance. State regulation of vehicular traffic in cities and villages, either directly or by rules promulgated by administrative commissions, is rapidly increasing. The enactment of such statutes generally is held to deprive the municipality of any power it may have had to regulate traffic by ordinance and to effect a repeal of existing ordinances covering the same field.[1] The few early decisions to the contrary were based upon the construction that the legislature had not intended to occupy this field by the enactment of statutes forbidding the municipalities from interfering with the free use of the streets.[2] The Oregon courts, which in the earlier decisions refused to follow the general rule on the ground that this sphere of the police power was reserved to the municipality under their constitutional charter-making powers, later abandoned this ground and decided that the Motor Vehicle Law of 1921, governed in all cases of conflict with the local ordinances.[3]

The tendency to hold that statutes which thus directly or indirectly cover this field of the exercise of the police power impliedly deprive the municipalities of any power of regulation may be noted in two recent decisions, one handed down by the supreme court of Illinois, October 28, 1925, the other by the supreme court of Indiana, December 10, 1925. In Northern Trust Co. v. Chicago Ry. Co. (149 N. E. 422) it was held that the Illinois Public Utilities Act of 1913, placing control and supervision over public utilities in the public utilities commission, impliedly deprived municipalities organized under the general Cities and Villages Act of any power to require street railroads to equip their cars with brightly lighted headlights and that an ordinance to that effect was abrogated by the enactment of the utilities act.

In Hoosier Mfg. Co. v. Berry (149 N. E. 723), the supreme court of Indiana held that an ordinance of the city of Indianapolis, prohibiting motor vehicles to pass street cars at street intersections, regardless as to whether the street car was moving, was void as being in contravention of statutes which prescribed the rules and conditions upon which motor vehicles may pass street cars.

The basis of these decisions is the fundamental rule that the local police power is delegated and may be resumed at any time by the legislature, and that, even under the home-rule charters adopted by the authority of the state constitutions, this principle is modified only to the extent, as stated by the supreme court of California in Ex parte Daniels, that the legislature may not deprive the municipality of its local police powers except by itself stepping in and occupying the field.

OHIO FAVORS HOME RULE

A striking exception to the general rule has been established by a series of decisions of the supreme court of Ohio, holding that under the constitution adopted in 1912, the power to establish, open, improve, maintain, and repair public streets and fully control the use of them is included within the term "power of local self-government." In Lorain Street R. Co. v. Public Utilities Commission,[4] this court reviews and reaffirms its previous decisions, holding that the control of the streets is in the municipalities, even to the extent of enacting any police regulations binding upon public utilities which may be exercising powers approved by the public service commission, so long as they do not unreasonably interfere with the efficiency of the public utility thus controlled.

The supreme court of Oklahoma in the recent case of Westlake v. Cole[5] in which the question of whether the defendant was guilty of negligence *per se* in violating an ordinance of the city of Enid, requiring a vehicle to come to a full stop before crossing a boulevard, in view of the statute of the state giving the right of way at intersecting streets to the car on the right and regulating the speed to fifteen miles an hour, held that the ordinance was valid without entering into the question of the conflict of the statute with the ordinance, evidently on the ground that the statute covered only a part of the field of regulation and that therefore the ordinance and the statute were not in conflict.

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[1] Ex parte Daniels (1920), 183 Cal. 636, 192 Pac. 442; City of Baraboo v. Dwyer (1917), 166 Wis. 372, 165 N. W. 297; Ex parte Wright (1917), 82 Tex. Crim. Rep 247, 199 S. W. 486.

[2] Billingham v. Cisna (1906), 44 Wash. 397, 87 Pac. 481; Christensen v. Tate (1910), 87 Neb. 848, 128 N. W. 622.

[3] Kalich v. Knapp (1914), 72 Ore. 588, 142 Pac. 504; Dent v. Oregon City (1923), 106 Ore. 122, 211 Pac. 909; West v. Jaloff (1925), 232 Pac. 642.

[4] 148 N. E. 577, decided June 9, 1925.

[5] 241 Pac. 809, Sept. 25, 1925; rehearing denied Dec. 1, 1925.

HOW RESTRICTIONS ON CITY'S POLICE POWER AFFECT STREET CONTROL

This rapidly growing development of legislative control over-intramural street traffic is no doubt justified by the phenomenal increase in vehicular traffic which calls for uniform regulations throughout the state. Its significance can be better appreciated, however, when we are brought to realize that there have already arisen many problems connected with the streets which, under the existing legal restrictions upon the exercise of the police power delegated to the cities, cannot be adequately handled except by recourse to the law-making power of the state itself. No municipality may of its own motion enlarge the domain of its delegated police power to meet new conditions, but there is a large field, recognized both by the state and federal courts, in which the hazy boundaries of the police power may be enlarged and defined by the state itself. This point may be illustrated by a brief reference to some recent adjudications upon the question of what constitutes a nuisance in the streets.

The recent decision of the court of appeals of New York in McCoy v. Jordan[6] deserves especial attention upon this point. The fundamental rule laid down a century ago in England that "the King's highway cannot be used as a stable yard"[7] has been one of the guiding principles in defining the rights of the public in streets and highways. Beginning with the leading case of Callanan v. Gilman in 1887[8] through a long line of decisions down to People ex rel. Hofeller v. Buch in 1921,[9] the New York courts have held that the public is entitled to the free and unobstructed use of the city streets and that any obstruction of them for private use interferes with public rights, constitutes a nuisance and may be removed at the suit of any interested person. In Kahabka v. Schwab,[10] the appellate division of the fourth department, decided in 1923, held that gasoline supply pumps in the streets were a nuisance *per se*, and that any resident taxpayer might maintain an action of mandamus to compel the officers of a city to abate the nuisance, notwithstanding an ordinance of the city of Buffalo authorizing their existence and their erection under licenses granted thereunder, the charter having given the city full and exclusive control over its streets and highways. This decision was unanimously affirmed by the court of appeals.

In McCoy v. Jordan, the charter of the village of Peekskill expressly conferred upon the village the power "to issue permits for placing tanks and containers for storage of gasoline . . . within the bounds of the highway and beneath the surface thereof and to permit arrangements for drawing therefrom upon the curb line of such street." In this instance a similar action was brought to require the village authorities to abate the nuisance, but the court held that the express grant of the specific power was a legislative declaration of state policy and in effect made that lawful which under the Buffalo ordinance, passed by virtue of a grant of plenary power to regulate the streets and highways, was a public nuisance.

The court expressly disclaims holding that the legislature could authorize similar encroachments in large cities where the obstruction to traffic would be serious, but maintains only that in the particular instance it has not exceeded its constitutional authority in diverting property held subject to a public trust to a private purpose. It would be difficult, however, to see how the two cases could be reconciled or how the court would find any ground for a different decision if the pumps were licensed by a city under a similar specific legislative authority, especially in view of the fact that the Home Rule provisions of Article XII of the state constitution, conferring upon cities the power to regulate the use of their streets, expressly provide that such ordinances shall not be inconsistent with the constitution and laws of the state.

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[6] 241 N. Y. 71, 148 N. E. 793, decided July 15, 1925.

[7] Rex v. Cross (1812), 3 Camp. 229.

[8] 107 N. Y. 360, 14 N. E. 264.

[9] 230 N. Y. 608.

[10] 205 App. Div. 368, 199 N. Y. Supp. 551, affirmed 236 N. Y. 595, 142 N. E. 298.

REMOVAL OF OBSTRUCTIONS

In the absence of express legislative authorization, there is no question that any obstruction in the streets erected for private business, even though ostensibly authorized by a municipal ordinance, is a nuisance which the city authorities may be compelled to abate at the suit of any resident taxpayer who can show special damage. That the plaintiff was unable to show such special damage was the ground for dismissing the action in Lytle Inv. Co. v. Gilman as mayor of Sioux City, decided by the supreme court of Iowa, December 15, 1925.[11] In this case, the gravamen of the complaint was that the erection of traffic regulators with display advertising on four sides which were operated by a company under contract with the city for free service in exchange for the advertising privileges, was a public nuisance which the city had no power to authorize. The court, in affirming the refusal of the lower court to grant an injunction, maintained that the city had the implied power to erect the towers for regulating traffic and that, while the addition of display advertising might be a nuisance, the plaintiff, as a mere taxpayer and abutting owner without proof of special damage, had no standing to maintain the action.

On the other hand, the supreme court of Washington in Motoramp Garage Co. v. Tacoma, decided November 27, 1925,[12] held that an abutting owner may maintain an action to enjoin the city from erecting a comfort station beneath the street adjoining his premises as imposing an additional servitude; and in another case, decided July 18, 1925,[13] the same court held that any resident taxpayer might prosecute a writ of mandate to compel the commissioners of the city of Walla Walla to abate as a public nuisance gasoline pumps erected along the curb within the street lines.

BROADER CONTROL PROBABLE

The general principle that the declaration by the legislature of the general policy of the state may within certain limits enlarge or restrict the rights of the public or of private individuals in the use of property and that this is one of the functions of the police power, the exercise of which by the legislature is necessary to the public welfare, is fundamental, subject only to the limitation that such declaration must not impose restrictions that are unreasonable.[14] Undoubtedly, within this sphere the legislature may define what is or is not a public nuisance in streets and highways, and, subject to the rule that private property may not be taken except by due process of law, it may assume the entire control over the streets of municipalities. A rapid extension of such legislative control in the interest of the public may be anticipated under existing traffic conditions, and may even involve a modification of the principles underlying the strict common law liability of cities and villages for the care of the streets, which now exists outside the New England states. No timely solution of the question of the authorization of continuous parking of vehicles which interferes with the movement of traffic and often with the abutter's right of access, for example, can be expected by the slow process of judicial decision; and as progress in the regulation of smoke nuisances, billboards, building lines, zoning and city planning has been assured only by state legislative action, so we must be prepared to look for the solution of many of our traffic problems in the same way.

FEDERAL CONTROL IN THE FUTURE

In this connection a most striking phenomenon may be anticipated in the gradual development of federal control over all highways devoted to interstate transportation. A noteworthy case, exemplifying the federal power in this respect, to which our attention has been called, is United States v. Babcock, which was decided in the United States district court of Indiana July 13, 1925.[15] In this case the defendant was engaged in cutting a drainage ditch across the Lincoln Highway under a contract with the county of Allen, which had made no provision for a restoration of the highway except by a clause in the contract requiring the defendant to erect a temporary wooden bridge so that traffic would not be impeded during construction. The defense maintained that the court was without jurisdiction, that the highway in question was part of the Indiana highway system and that the money paid toward its construction was a voluntary contribution by the federal government. The court in granting the injunction, brushed aside the contention of the defendant on the ground that the only basis of federal aid was under the commerce and post-road clauses of the constitution and that the acceptance of federal aid by the state was an acknowledgment of that fact. As the supreme court, in In re Debs[16] asserted that it is competent for the federal government to remove all obstructions upon highways, natural or artificial, to the passage of interstate commerce or the carrying of the mail, and has firmly established its regulatory power over railways as well as waterways, a power which lay dormant so long that the right to exercise it was thought by many to be absent, so we may look forward to federal legislation within the next decade to cope with some of the problems of control of the great arterial highways which the states, acting separately, may be unable to solve.

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[11] 206 N. W. 108.

[12] 241 Pac. 16.

[13] State ex rel. Reynolds v. Hill, 237 Pac. 1004.

[14] Sawyer v. Davis (1884), 136 Mass. 239; Crossman v. Galveston (1923), 112 Tex. 303, 247 S. W. 810.

[15] 6 Fed. Rep. 2nd Series 160.

Of the power of the federal government to enter this field, there can be no question; its exercise can be postponed only by an efficient enforcement by the state of general regulations that will better insure the safety of the public and the control of the use of the highways in the interest of the public safety and of good government. While we may descry this tendency as an additional invasion by the state into the domain of "home rule" which we would reserve for our cities, a casual survey of the decisions of the courts will convince one that our local governmental machinery is not, and cannot be made, adequate to curb many of the evils resulting from the ever increasing and inevitable centralization of our social and economical life.

BRIEF NOTES ON RECENT DECISIONS

Torts—Parks.—In Warden v. City of Grafton (W. Va.), 128 S. E. 375, the city is held liable for injuries to a child whose hand was lacerated by a projecting bolt on the outside of the handrailing of a chute or slideway erected for the entertainment of children in a public park. The court rejects the distinction between public and private functions as a test of liability.

In Ramirex v. Cheyenne (Wyo.), 241 Pac. 710, the city is held liable for injuries to a child caused by a defective swing in a public playground. The same criterion of liability is adopted as that applicable to charitable corporations engaged in similar service.

In Byrne v. City of Jackson (Miss.), 105 So. 861, the liability of city for injuries to an adult by the attack of a bear in the municipal zoo, is affirmed. The court asserts that the city's duty to exercise care in the management of its parks is similar to that required in the care of streets.

✣

Drainage Districts—Liability for Torts.—The non-liability of drainage or reclamation districts in California in an action for tort is upheld, in Western Assurance Co. v. Sacramento & San Joaquin Drainage District (Cal.), 327 Pac. 59, upon the ground that they are purely governmental agencies of the state, and have not been made liable by statute. The immunity of the state from suit without its consent is carried over to these corporations, although the statute under which they are organized provides that they may sue and be sued. Such quasi-municipal corporations, when organized to carry out general governmental purposes are usually held to be immune from liability for tort. The court holds that the primary purpose of their organization is to act as an agency for the state, and not for the special benefit of the owners of the lands included within their boundaries.

✣

Nuisance—Liability of City for Maintenance.—The District of Columbia maintains in Fairfax County, Virginia, a workhouse for the confinement of prisoners. The plaintiff alleged that the value of his adjoining property was practically destroyed by continuously loose control exercised by the District over prisoners sent there for confinement; that as a result many prisoners escaped, terrorized the country-side, constantly trespassed upon his property and rendered it difficult for him to carry on his business. The District defended upon the ground that the municipality was immune from action, as it was engaged in a purely governmental activity in maintaining the workhouse. A verdict for $7500 for the plaintiff was sustained by the District Court of Appeals, in District of Columbia v. Totten, 5 Fed. (2d) 374, as the state of facts proved the existence of nuisance maintained by the District for which it is liable in damages to the injured party, irrespective of the question whether the activity was private and proprietary in character or public and governmental.

✣

Zoning.—In the case of Hauser v. State ex rel. Erdman (Ohio), 150 N. E. 42, the right of the petitioner to a mandamus to compel the commissioner of buildings of Cincinnati to issue him a permit to erect a business building in a restricted district was affirmed. Application for the permit was made before the zoning ordinance in question was adopted and the petition for mandamus filed before it went into effect. The relator had fully complied with the state and city building codes at the time of his application, and the permit was arbitrarily refused pending the enactment of the zoning ordinance. The supreme court of Ohio in Putz v. Messer, 149 Ohio 30, decided in May, 1925, upheld the validity of a comprehensive zoning ordinance, enacted under express statutory authority.

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[16] 158 U. S. 564.

In State ex rel. Giangrosso v. New Orleans (La.), 106 So. 549, the relator applied for a permit to erect a drive-in filling gasoline station in a district restricted against business, trade or manufacturing. The judgment below, granting him a writ of peremptory mandamus was reversed upon the grounds set forth in State ex rel. Civello v. New Orleans, based upon the state constitutional amendment, thus sustaining the power to zone upon considerations of "public safety, comfort or general welfare in view of better police protection, economy in street paving, lessening of fire hazard and likelihood of business establishment becoming a genuine nuisance."

In Wulfsohn v. Burden (N. Y.), 241 N. Y. 288, 150 N. E. 120, the court of appeals of New York, affirms an order denying the petitioner a writ of mandamus to compel the inspector of buildings of Mt. Vernon to issue a permit to erect in a restricted district an apartment house, the plans of which did not conform to the setback or rear yard area provisions of the zoning ordinance. That the validity of such regulations independent of a zoning plan involves no new question, was uniformly upheld prior to any zoning legislation[17] and was affirmed in Welch v. Swasey, 214 U. S. 91. The importance of this case is due to the fact that the petitioner based his appeal upon the invalidity of the entire zoning ordinance and that on delivering the opinion of the court, Hiscock, C. J. took occasion to review the bases of zoning legislation, and to emphasize the application of the police power to "the welfare of the people by promoting public convenience or general prosperity," as well as "to promote public health, public morals, or public safety, or to the suppression of what is apparently disorderly or unsanitary."

This opinion will rank as one of the ablest pronouncements upon the question of the extent of the police power as applied to zoning, and meets the criticism frequently urged against the opinion in Lincoln Trust Co. v. Williams Building Corporation, 229 N. Y. 213, that the court in that case did not adequately express the fundamental grounds upon which zoning legislation may be upheld.

The case of Village of Euclid v. Ambler Realty Company, which directly involves the constitutionality of zoning ordinances under the constitution of Ohio and the federal constitution, is pending in the supreme court of the United States upon appeal from the district court (297 Fed. 307), in which the ordinance of the village, placing a large part of some sixty-eight acres of vacant land of the company along the Nickel Plate Railroad's right of way in districts from which all manufacturing buildings are excluded, was declared void. While the question involved may be limited to the reasonableness of the demarcation of the restricted areas in the particular case, the court for the first time has before it the general question of the extent of the zoning power under the inhibitions of the Fourteenth Amendment.

The case was argued January 27, by Newton D. Baker for the Ambler Realty Company and by James Matzenbaum for the village. That the court feels called upon to pass upon the question of how far the police power may be extended to authorize zoning ordinances may be inferred from the fact that on March 1 it restored the case to the calendar and set it down for reargument on the fourth of next October.

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[17] See Brice's Appeal (1879), 89 Pa. 85, in which John J. Johnson did not think it worth while even to raise the question of the authority of the city to regulate the open space area of tenement buildings.

GOVERNMENTAL RESEARCH CONFERENCE NOTES

EDITED BY ARCH MANDEL

Kansas City Public Service Institute.—The municipal research bureau for Kansas City, Kansas, is rapidly rounding into shape for work. It will be operated as a part of the Chamber of Commerce, but with a semi-independent board.

There has been forming in Missouri for the past two months an organization to be known as the Association for Economy in Public Expenditures. This is planned to be a state-wide organization, dealing with state and local governments. Planned at first as an organization to make a survey for the purpose of reducing public expenditures, it is now developing into a permanent research organization not at all committed to reduction of expenditures, but to better government. This organization is not at all complete and finances have not yet been raised. Unless there is some trouble in doing this, it is likely that Missouri will have a state governmental research organization.

◆

The Ohio Institute.—The following is the program of work laid out for the Institute for the year 1926:

Mental Hygiene: Co-operation with state department of public welfare in beginning two new institutions for feeble-minded, for which appropriations were made by the last legislature.

Encouragement of the industrial colony method for care and training of feeble-minded.

Promotion of special classes for mentally deficient children in the public schools and of supervision of such children when released from school attendance.

Correction: Co-operation with the Joint Legislative Committee on Prisons and Reformatories in establishing an effective system of classification of inmates and institutions, to the advantage of both.

Study of prison industries and prisoner's compensation.

Encouragement of county officials to establish probation departments.

Study of county jails and local workhouses.

Child Welfare: Continued co-operation with state department of education in administration of school attendance laws.

Encouragement of public schools to use school visitors.

Study of state aid to special education.

Co-operation with state department of public welfare in stimulating improved administration of probation and mothers' pensions by juvenile courts.

Public Finance and Taxation: Completion of study of school finance for the Ohio State Teachers Association and the Joint Legislative Committee on Taxation.

Governmental Organization: Continued co-operation with other agencies to promote change in organization of state departments of public welfare and health.

Social Organization: Study, so far as feasible, of the organization, financial support, costs, and services of social welfare activities, public and private, in the principal communities of Ohio.

◆

San Francisco Bureau of Governmental Research.—In connection with a request of the platform men of the San Francisco Municipal Railway for a wage increase, the Bureau has made a compilation of comparative hourly rates paid platform men of street railways of various large cities of the United States. A recent report of a committee of the board of supervisors, the city's legislative body, declared the increase impossible under the present five-cent fare, but the request is being reconsidered for the presentation of new evidence by the platform men.

Bureau representatives discussed consolidated city and county government with Wisconsin legislators, who were guests of the San Francisco Chamber of Commerce while making a study of San Francisco's joint government in February.

◆

Philadelphia Bureau of Municipal Research.—Permanent registration of voters and optional use of voting machines went down under the adverse vote of the senate in the closing week of the special session of the Pennsylvania legislature, recently called by Governor Pinchot. The bills had been prepared by the Philadelphia Bureau for the governor's special commission on election reform. Hostile politically to the governor, whom it charged with making capital to further an ambition to sit in the United States senate, the strong organization majority in the legislature demolished nearly all of the Administration's program for the special session. Only to a limited extent were the registration and voting machine bills considered on merit. To the extent that they were so considered, governmental research methods received some excellent advertising, when the informal session at which the Bureau presented the merits of the two proposals was reported by the Harrisburg morning newspaper under the three-column caption, "Facts Overcome Every Objection Raised to Election Revision Bills."

✤

Taxpayers League, New Bedford, Massachusetts.—This is a new organization, created as a result of consultant work carried on by Gaylord C. Cummin. Hart Cummin, secretary of the Tax and Economy Committee of the El Paso Chamber of Commerce, is to be the director of the New Bedford organization, beginning April first.

✤

Toronto Bureau of Municipal Research.—The Bureau has issued the third of the series of reports dealing with the council-manager plan, "Advantages Claimed for the Council-Manager Form of Municipal Government." These reports have received considerable notice from the press, and requests for copies have come from all over the Dominion, as well as from the United States.

The Bureau has, during the past month, supplied information to citizens, regarding assessment and taxation in Toronto, regarding taxes paid by the Toronto Street Railway 1916–1921 and by the Toronto Transportation Commission at present, regarding income taxation, regarding election of aldermen for overlapping terms and council-manager plan, and has co-operated with several organizations.

The Bureau's annual report is now in course of preparation.

✤

Citizens' Research Institute of Canada.—In response to a request of the Humbercrest Ratepayers' Association, a report was made in connection with that district, regarding present cost to the ratepayers, present expenditure by the township in that district, and estimated cost if incorporated as a village.

The second of the annual series, "Cost of Government in Canada, 'Provincial,' " has been completed and will be issued during the next few days.

At the invitation of the Winnipeg Board of Trade, the Annual Convention of the Canadian Tax Conference of the Institute will, this year, be held in that city on a date not yet decided.

✤

Minneapolis Bureau of Municipal Research.—Upon request of the water committee of the city council, the Bureau is making a study to fix a water rate that will make the department self-sustaining. In determining the rate, the interest and sinking fund items now being paid out of general taxes will be considered, as will the amount of water now being furnished free to the various city departments.

In order to standardize grades and salaries in the county service, the board of county commissioners has asked the Bureau's assistance in this assignment.

At the recent meeting of the Minnesota Tax Conference, emphasis was given the subject of standards for municipalities in the incurring of indebtedness. A committee was appointed to prepare a report to be submitted to the 1927 legislature. The Bureau is helping in the drafting of this legislation.

The Minneapolis charter has had a third re-drafting, which is now under examination by a committee charged with the responsibility of presenting the document in final form to the committees sponsoring it in the city. This work follows the joint sessions of a Business Men's Committee and a Citizens' Representative Charter Committee, who compromised certain points of difference in the document in several meetings held last summer. A committee of five on supervising the re-drafting was then appointed, in which committee the Bureau is represented by its director. It is their task to submit to the two main committees the revised charter. All of this points toward the submission of the proposal for voting at the June 21 primary, which is a state wide affair. Under the interpretation of the law by the attorney general, this will be a special election, so that only the votes for and against the charter will be counted. Were the election held on general election day in November, the charter would have to receive four-sevenths of all the votes cast at the election, regardless of the question on which the vote was cast.

MUNICIPAL ACTIVITIES ABROAD

EDITED BY W. E. MOSHER

Public Health.—The English government enacted last year a new public health act which contains many provisions applying to urban, rural and local authorities. It deals largely with the more recent developments in the fields under the charge of the ministry of health. In the main, the act gives to the various local authorities broad discretionary powers which formerly were possessed by them only by special order. The crystallization of new standards and methods of procedure embodied therein results from a rather long period of experimentation by a considerable number of local authorities, each of which received special permission to try out some policy that seemed suited to it. The act epitomizes, therefore, the outcome of wide and varied experiences.—*The Local Government News* (London).

◆

Restriction on Foreign Loans by German Municipalities.—On account of the increasing tendency of German cities to turn to foreign countries, particularly the United States, for the floating of bond issues, a central bureau for foreign credit has been set up under the initiative of former Imperial Chancellor Luther. It is the business of this organization to consider the purpose and the economic soundness of the proposed state or municipal loans. In reaching a decision the rate of interest, the subsidiary costs, the duration of the loan and finally the ability of the given state or city to carry out the conditions of the loan without being unduly burdened, are taken into account.

Considerable attention has evidently been given to the question of economic advisability and a rather sharp line has been drawn between loans for "desirable" and loans for "commercially profitable" undertakings. The erection of public buildings and dwellings, the purchase of land for building purposes or for sport or exposition grounds and the like, have been considered uneconomic and permission to float the bonds has not been granted.

On the other hand when it came to the erection or extension of public works, such as gas, water or electrical works, or of the suburban tramways, the attitude of the clearing house has been favorable.—*Zeitschrift fur Kommunalwirtschaft* (Berlin).

Municipal Ownership of Land in German Cities.—Through the co-operation of the Statistical Bureau of Breslau and the Central Bureau of the German Union of Cities (Deutscher Staedtetag) statistics have been gathered to show the extent of land ownership by municipal corporations as well as the extent to which the ground included in the city boundaries has been built up, and the density of population in the cities reviewed. The figures are for 1924. They are gathered from 204 cities of 20,000 and more population, classified in three groups: those of 100,000 and more, those of 50,000 to 100,000, and those of 20,000 to 50,000 population.

For purposes of illustration, the following figures for the city of Cologne may be cited.

Total area in hectares (one hectare approximately 2½ acres):

Occupied by buildings including courts and garden..................	2,837
Used for streets, squares, railroads..	2,341
Public parks and gardens.........	348
Cemeteries.....................	283
Playgrounds and sport fields......	93
Water areas...................	883
Public holdings (237 hectares devoted to buildings)...........	5,719

It appeared that the city owns 24.5 per cent of the total space within the city limits, exclusive of streets. In addition to the above, the city owns 2465 hectares outside of the city limits.

Certain data from the summary of the 45 cities in the 100,000 plus group will be of interest. On the average the built-up area constitutes 16.5 per cent of the total area within the city limits; 25.2 per cent, excluding space for streets, is in the possession of the city. The average population density for total area is 39.1 per hectare; for the built up areas alone the population density is 237.5 per hectare.—*Mitteilungen des Deutschen Staedtetages* (Berlin).

◆

Civil Research.—Under a Minute of the Treasury the British Government has recently established a Committee of Civil Research, as a standing committee with advisory powers, comparable in organization and function to the Committee of Imperial Defense. Its business will be to give connected thought "to the development of economic, scientific, and statistical research in relation to civil policy and administration, and to define new areas in which inquiry would be valuable." Within these limits the committee will take up such questions as may be referred to it by the cabinet and government departments. It has further power to organize sub-committees and utilize the services of outside experts or of departmental officers.

In explanation of the purpose of the committee, the Earl of Balfour stated that it was to remedy a defect in the organization of the departments of government due to the fact that they worked in more or less water-tight compartments. This situation led, in his judgment, to the neglect of those problems that overlapped two or more departments and also of those problems more or less abnormal in character or of such magnitude that they could not be well handled by the fixed organization of the department in question. Further, he indicated the importance of having some sort of machinery for dealing with imperial problems which involved two or more dominions.

The Committee of Civil Research will have no administrative or executive functions. Its success will be commensurate with its ability to co-operate with the various departments and to bring about a greater degree of co-operation among them. The success of the Committee of Imperial Defense seems to be an indication of the success of the proposed committee.—*The Civilian* (London).

✤

Public Burial.—The extent of free public burial has increased to such a point in Saxony, Germany, that there are now 610 communities, including 77 cities, which are performing this type of public service. Public burial includes the care and clothing of the body, the provision of the coffin and pallbearers and finally the cost of the hearse and the cemetery expenses. The means for free burials are to be included annually in the regular budget of the community.—*Zeitschrift fur Kommunalwirtschaft* (Berlin).

✤

Moving Pictures for the Schools.—A general law has been passed in Italy providing for the organization of special bodies to raise the morals of the school children in various communities where there is interest in such a movement. One of the chief activities of these "moral bodies" is to provide projection apparatus and films of an educational and scientific character suitable for school children. The children are customarily sent to an exhibition of these films once a week. The expenses are met by special appropriations by the cities concerned. Rome has contributed to date, for instance, 20,000 meters of instructive films.

As the local bodies are united in a kind of association, it is possible for regular interchange of films to take place between towns. As a result, there are now 515 programs available, consisting of 1,022 reels.

It is reported that the personnel of the organizations interested in this project consists largely of school teachers.—*Capitolium* (Rome).

✤

Extension of Public Gas Works.—Several months ago the burgomasters and provincial councillors of Saxony met for the purpose of discussing the possibility of extending the gas supply to the various towns and cities of the province through a system of long distance piping. Two resolutions were adopted which provide: (1) that the authorities of the province should lay plans for the development of a unified system of supplying gas for the whole province and for the restriction of the use of country roads to the public piping lines, (2) that the townships be informed of this conclusion and urged further to refuse to private enterprise the use of the roads within their borders except after agreement with the central administration of the province.

It is pointed out that the concentration of gas works in certain districts in Saxony has been going on apace. For instance, in the course of six years, 1917–23, the city of Dresden has taken over the task of supplying gas to its own citizens and has so extended the territory to which it is supplying gas beyond the city limits that twenty-two independent communities are using Dresden gas. Similar developments has taken place in Frankfort, Cologne and in the Ruhr. In this latter province, eighty-five cities with a population of five million inhabitants are now successfully supplied under a unified public system.

The plan for Saxony prescribes the division of the province into about fourteen different sections, each section to be supplied by a group of gas works. The financing of the scheme would be handled by corporate bodies with limited liability. These corporations would be further organized under a parent company. Steps are already under way toward the realization of this plan.—*Zeitschrift fur Kommunalwirtschaft* (Berlin).

Housing the Employees of the City of Rome.—Some 15 years ago the city of Rome, as an employer, considered the advisability of constructing buildings for the housing of the municipal employees and a few buildings were constructed at that time. It was not, however, until 1919 that a comprehensive plan was prepared and presented to the city council in the form of a report by a special committee outlining the need and making recommendations as to building and financing dwelling places for the public servants of the city. In 1922, a loan of 12,000,000 lire was authorized. This was later increased to 32,000,000. The bulk of this amount was to be loaned at three per cent interest to be repaid at the end of 50 years. Up to the present the city has appropriated each year a sum sufficient to meet the interest on the loans.

This program has resulted in the construction of a number of distinctive multi-family houses aggregating 480 apartments with 2,478 rooms. The municipal electric plant has also set aside 2,000,000 lire for the construction of small apartment houses. In spite of this rather generous provision, there is a movement under way to increase the number of houses so that the 2,000 teachers and 4,000 other municipal employees may be accommodated.

The article does not indicate on what basis the civil servants are to finance their share of the scheme, which is announced as a co-operative venture. Neither does it contain an adequate explanation as to the plan for amortizing the debt.—*Capitolium* (Rome).

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University Department of Public Administration.—Dr. Walter Norden, a professor at the University of Berlin, has outlined the need for and the character of training desirable for those who plan to enter the public service as a career. Taking for granted the necessity of economics and law, he points out that a well-rounded course would provide an extension of the customary work along the lines of the science of public administration. It is admitted that at the present time courses are given in public finance and public health and welfare, particularly as these relate to local government, but they have not been so welded together that a well-balanced scheme of studies has resulted. It is the thought of the writer that a systematic whole must be evolved around the "personality" of the municipal corporation. That is to say, the study of financial interests should be approached with reference to the local charity and welfare program and the latter in its relationship to the whole local scheme of government. Finally, local government should be related to general economic conditions. The desirability of considering these matters, not in the light of conditions in a single city alone, but in that of the practices throughout Germany and foreign countries is pointed out.

A second consideration upon which the writer lays emphasis is the need of a period of practical apprenticeship and the question is raised as to whether this should come after or during the theoretical training at the university. On the whole it appears advisable to arrange for a certain amount of practical work during the university years, especially in the vacation period. Finally, it is reported that the committee in charge of examinations and diplomas at Berlin has recommended that public administration be recognized as an elective on a par with law and national economy.

It appears from this article that special courses are already under way in Berlin, where an average attendance of fifty in the beginning work and forty in the advanced work is recorded.—*Preussisches Verwaltungsblatt* (Berlin).

NOTES AND EVENTS

Governor Smith's Housing Plan.—Asserting that there is an abundant supply of apartments in New York city renting at about $20 a room but that there is still an alarming scarcity of new apartments renting for between nine and twelve dollars per room, which is all that two-thirds of the population earning less than $2500 a year can afford to pay for living quarters, Governor Smith has called upon the legislature to pass his bill providing for low-priced housing with state aid or to suggest a better plan.

In brief, the governor's scheme provides for limited-dividend housing companies privately owned which will build and operate tenements. The rentals which would be charged by such corporations could not exceed $12.50 a room in Manhattan, $11 in Brooklyn and the Bronx, $10 in other first-class cities and $9 elsewhere in the state. To assist the limited dividend corporations the governor would establish a state housing bank. When a limited dividend company desires to build an apartment it will present its plan to the state housing board, which will consider it mainly from the point of view of location, use of land and adequacy to meet the needs it is intended to serve, and to the state housing bank which will consider it mainly from the point of view of financial soundness. When the plan is approved, the company puts up one-third of the total cost of the project, and the bank condemns the land and provides the other two-thirds of the cost through the issuance of tax-exempt bonds which will bear interest at not more than five per cent and will represent a first lien on the particular project. The dividends of the company are restricted to cumulative six per cent and the rate of amortization is fixed so as to retire seventy-five per cent of the investment in fifty years. The bonds of the housing bank will be tax-exempt and municipalities are to be permitted to exempt from local taxation all construction completed under this scheme. The stockholders of the company may, at their option, exchange their stock for second lien five and one-half per cent certificates of the bank which will be tax-exempt.

The plan is designed to meet two great obstacles to cheap housing. The first is the high cost of money for apartment house construction, amounting at present to fifty-four cents out of every dollar in rent of cheap tenements. One per cent reduction in interest rates means $1.00 a room a month reduction in rent. Through the tax-exempt bonds of the housing bank the money under the proposed plan would be secured at the lowest possible cost. At a hearing on the bill it was announced that the Metropolitan Life Insurance Company stands ready to furnish money to the state housing banks up to two-thirds of the cost of new projects undertaken under the terms of the bill at an interest rate of five per cent. This statement has greatly increased the popular belief that the plan is financially sound.

The second great obstacle to cheap housing, according to Governor Smith, is the expense of acquiring large sites in crowded areas. Every time a promoter undertakes to acquire land for an apartment house he finds that, as he purchases each parcel in the tract, the next parcel is proportionately higher. To overcome this obstacle the land bank is to be given the power of eminent domain under which it will be able to condemn land on behalf of the limited dividend companies when the construction plans have been approved by the housing board and the bank.

Governor Smith stresses the point that housing is really a public utility, that it is a business affected with a public use as much as electricity, traction or transportation, and that the state's participation in it is justified and constitutional. Eminent lawyers agree with him in this, and although certain critics have questioned the constitutionality of the scheme the general opinion is that the governor is right.

The opposition to the proposal is twofold. Political opponents have attacked the plan as socialistic and unconstitutional although they have not sought to produce evidence attacking its financial soundness. Others, perhaps more disinterested in their attitude, oppose the scheme because they fear that the tendency will be to perpetuate tenements in congested parts of New York city and thus counteract the centrifugal movement now under way. While it is true that the governor has stressed the necessity of replacing the unhealthful and evil tenements in congested New York, it should be remembered that economic forces seem to have sounded the knell of tenements in many such districts, and it is doubtful whether any state housing scheme will affect the forces at work to make any housing impossible in down town Manhattan. Moreover, the tenement evil is not confined to New York city. Many of the suburbs are already confronted with it and the cause, according to those who favor the governor's plan, is found in the high cost of private construction which can be overcome only through state aid.

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New York and New Jersey to be joined in Rapid Transit.—The North Jersey Transit Commission has filed a report with the state legislature which presents an elaborate plan for transit relief in the New Jersey counties suburban to New York city. The transit commission foresees a possible growth from the two million population at present within the New York commuting ring to four million five hundred thousand if facilities are developed for through transit service between the states of New Jersey and New York.

It proposes a seventeen-mile rapid transit loop running under the Hudson to the Battery in New York city, thence uptown by a new subway route and back across the Hudson to New Jersey through a tunnel at Fifty-seventh street. The present rapid transit lines throughout the nine northern counties in New Jersey are to be extended to tie in with this new system. The plan further proposes a link at the Battery with the Interborough trains which would continue under the river to Jersey and would be operated full both ways. The dead end of the West Side subway at Eighth avenue and Forty-first street, and the B. M. T. line ending at Sixth avenue and Fourteenth street could also be linked in with the interstate loop, thereby furnishing a unified circulating subway system for New York city and metropolitan Jersey.

The total cost of the project is estimated at $382,000,000. It is believed that the system could be operated at a fare as low as twelve cents. With the increased travel called forth by the new facilities the commission foresees the necessity of a super-terminal in the Jersey meadows with lines sufficient to accommodate eighteen steam trains and nine electric trains. From this terminal rapid transit service would serve the surrounding territory.

Plans for financing the scheme, the preparation of which involves a study of the applicability of special assessments, will be presented in a later report. The report states that all central terminal services for commuters should be abandoned as soon as possible and through service substituted for them so that the New Jersey population may be distributed without change throughout Manhattan as effectively as New York city's rapid transit facilities now distribute its population.

*

Rapid Bus Developments in New York City.—Only five years ago there was general sneering at the "jitneys"; today the granting of bus franchise is the dominant interest in many localities. This is true especially in New York city, which for the past two years has been interested in a bus program and has been considering the alternative modes of organization and the relative advantages and disadvantages of each particular course.

During recent months the problem has taken a somewhat definitive course. A decision of the court of appeals has definitely settled that the city of New York has not the right to own and operate buses; that this power was not included in the recent home rule amendment of the constitution and the home rule provisions of the law. In the face of this decision the policy has been practically adopted to grant franchises to private operators for limited terms, with provisions of recapture if prior to the termination the city should acquire the right of municipal ownership and operation, and if such recapture should seem desirable.

With this new development, the city has been overwhelmed with applications for bus franchises by independent operators, including small companies, existing street railway companies, and concerns bidding for a single franchise covering city-wide operation. These applications involve tremendous problems of policy on the part of the city, which will probably be determined during the next few months as franchises are actually granted.

Among the numerous questions to be considered are (1) To what extent the bus franchises shall be granted to existing street railway companies, and (2) whether a single franchise should be granted for the entire city, instead of a number of franchises to individual smaller units.

As to the first questions, there is an operating advantage in integrating the street railway service with supplementary bus lines. It avoids duplication of service, unnecessary competition, and, perhaps, premature abandonment of street railway lines. But there is an extremely important financial problem. To prevent financial complication between the bus and street railway units, a separate financial structure should be provided, so that the bus operation may not be burdened by any fixed charges or other costs due to street railways. This will make available all operating advantages of the buses, but will avoid a double burden of fixed charges in the future, as street railways become plainly obsolete and are abandoned.

The second problem of policy is whether a single franchise for the entire city shall be granted to one company, or whether a number of grants shall be made to smaller units. From an economic and financial standpoint, all the advantages seem to be in favor of a single unified bus system for the entire city. This would make possible a much more economical system both as to required investment and cost of operation. The service could be much better co-ordinated according to the needs of the different parts of the city, and according to constantly changing conditions and requirements of service. There would be more economical operation, a tremendous saving in overheads, and much better service.

A unified system also has the advantage that the relations between the city and the company could be more readily administrated. The necessary machinery of control would be provided for only one company. Inspection would be greatly simplified, and the problems of adjustment would be much easier. Moreover, in the case of recapture for future city operation, a practical plan could be worked out much more readily with a single unit than with a number of smaller competing companies. The history of street railways certainly points to the advantage of a unified bus system to start with. This will not only mean economical and better service, but will simplify all regulatory and financial arrangements in the future, and will leave more freely in the hands of the city all future transportation policies.

John Bauer

◆

Detroit Special Assessment Sinking Fund Analyzed.—According to an analysis of the Detroit special assessment sinking fund, recently published by the Detroit Bureau of Governmental Research, there are outstanding more than $16,000,000 of special assessment bonds. At the end of 1924 the sinking fund to secure these bonds was over $900,000 short. To that date the earnings of the fund (including interest on outstanding assessments) ran behind $26,000 per year. Since that date, however, earnings have been increased, due to increase in interest rates on outstanding balances on special assessments from four to six per cent. The report points out that, if the cash in the special assessment fund were segregated from the general fund, a higher rate of interest on deposits could be earned at the bank and additional income would be gained thereby.

Prompt advertising of special assessments and more prompt payment of them made possible thereby would save the city an additional $46,000. An amendment to the charter to provide that property owners pay interest on the entire outstanding balance of unpaid assessments instead of only upon that part which is due them (a practice said to be unique in financial circles) would save $17,000 more per year.

In all, a saving of $76,000 per year in the administration of the special assessments sinking fund would be effected through the adoption of the Bureau's recommendation.

◆

Personnel Research Encouraged.—The personnel round table of the National Conference on Politics is co-operating with the Bureau of Public Personnel Administration to stimulate research in public employment management in the universities and colleges. A number of topics suitable for research study have been listed and detailed statements regarding them have been sent to university departments of political science and public personnel administrators generally. A complete statement describing the topics and the facilities and methods for research was published in the February issue of *Public Personnel Studies*.

The topics suggested are as follows: The Rates of Compensation for Selected Classes of Positions in the Public Service and in Industry; The Operation and Effect of Laws Giving Preference to Veterans; The Handling of Promotions in the Public Service; The Number, Compensation, Selection, Qualifications, Duties, Attendance, and Turnover of So-Called "Confidential" Clerks and Secretaries; Employment Conditions and Practices in Public Jurisdictions Where There Is No Personnel Agency; A Comparison of Employment Conditions and Practices in a Geographical Unit Having a Public Personnel Agency Where Large Number of Positions Are in the Unclassified Service; The Selection, Qualifications, Tenure, and Compensation of Provisional Employees Appointed to Positions in the Classified Service; The Consolidation and Sub-Division of Classes of Positions; The Factors Upon which Compensation Rates in the Public Service Are and Should Be Based; and Standardized Tests for Individual Classes of Positions.

⁂

Advertises for City Manager.—The following advertisement appeared in a recent issue of *Pacific Municipalities*:

> ADVERTISEMENT FOR CITY MANAGER
> SANTA BARBARA
>
> Notice is hereby given that the undersigned will receive applications for the position of City Manager for the City of Santa Barbara, addressed to the City Council, up to 5 o'clock p. m. of the 3rd day of March, 1926.
>
> S. B. TAGGART, *City Clerk*.

Advertisements for municipal engineers, city clerks, etc., have been common enough in England for many years. For instance, the present town clerk of Bloemfontein, South Africa, was attracted to the post by an advertisement in the London *Times*. The practice is an evidence of the non-political character of the positions. It is to be hoped that it will soon become common in the United States.

⁂

The Regional Planning Federation of the Philadelphia Tri-State District is now an accomplished fact. Colonel Samuel P. Wetherill, Jr., is president and Mrs. Edward W. Biddle is vice-president representing Philadelphia. The other vice-presidents are: J. David Stern of Camden; J. Borton Weeks, Chester; and George S. Webster of Philadelphia. Howard Strong is secretary-director. Russell Van Nest Black is resident engineer of the Federation.

H. O. Wyott is preparing a map of the recreation ground in the Philadelphia district. When it is completed the area and location, and in a degree the equipment and administration, of every park, playground, golf course, beach or other recreation area within fifteen or twenty miles of the Philadelphia City Hall will be shown in graphic form.

Mayor Nichols of Boston has announced the organization of a board on municipal emergencies to deal with emergencies which may arise in the city. The scope of the work embraces almost every form of disaster that could strike the city.

The board is organized for action in emergency and for educating the people how to meet it. Dr. Hollis Godfrey, for many years president of Drexel Institute and at present president of the Engineering-Economics Foundation, is in charge of the educational side of the problem. This foundation, which is concerned with the study of man as endangered by emergency, whether fire, famine, flood, earthquake, panic, pestilence, riot or storm, has made its facilities available for the Boston educational campaign.

⁂

City Manager Flack of Springfield, Ohio, has been making profitable use of a coring machine built by the city to test the honesty of paving contractors. Suspecting that certain asphalt and asphaltic concrete pavements laid about five years ago were not living up to specifications he began taking samples of them. Ten streets were cored and none showed according to specifications. The manager thereupon requested the state auditor to conduct an investigation and as a result alleged fraud amounting to about $70,000 has been disclosed in connection with the paving of ten streets. The city is now preparing to sue the contractors to obtain restitution. The coring showed that in none of the streets was the top of the thickness called for in the specifications.

⁂

Mrs. John B. Henderson, who has offered to congress a site for a national art gallery, appeared recently before the senate committee of the District of Columbia to urge that the present commission form of government for the District be replaced by a single administrative head. In the course of her remarks, Mrs. Henderson pointed out certain planning needs for the nation's capital and referred most complimentarily to the activities of the National Municipal League.

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THE LEAGUE'S BUSINESS

Publication of the Conference Committee Report on the Merit System in book form has been made possible through the generosity of the League's treasurer, Mr. Carl H. Pforzheimer. Distribution will be through the office of the National Municipal League. The report, published originally in the January issue of *Public Personnel Studies,* is at present being revised by an editorial sub-committee.

*

Growing Demand For League Publications.—The first monograph in our new series entitled Municipal Budgets and Budget Making by A. E. Buck has been sold out and less than one hundred copies of Depreciation in Public Utilities by Delos F. Wilcox remain. The Wilcox monograph has been referred to by the *London Municipal Journal* as "an excellent piece of work," and if you want a copy you had better get your order in at once.

We are at present receiving daily requests for copies of our Model State Constitution and have just published a new edition of the pocket pamphlet, The Story of the City Manager Plan. The total sale of the latter booklet is well over one hundred thousand.

*

Death of John H. Gundlach.—St. Louis has lost a faithful and energetic worker for civic betterment and the League a loyal friend in the recent death of John H. Gundlach. Not the least of his services to the country has been the aid and comfort he has extended as a prominent realtor to the cause of zoning and city planning. He was a frequent contributor to the Review, his last article, which appeared in September, being entitled "A Realtor Talks on City Planning and Zoning." The world has need of more men of the type of Mr. Gundlach.

*

The Committee on Regional Government, operating under a grant from the Russell Sage Foundation, is at present considering the material assembled by its secretary, Dr. Paul Studensky on his visits to Boston, Philadelphia and Pittsburgh. Dr. Studensky is at present visiting the cities of Cleveland, Detroit and Chicago, and will later go to St. Louis and the far west.

*

Distribution of League Publications.—During the past month packages of our pamphlets or books have been sent to persons in thirty different states and five foreign countries. This is exclusive of distribution of single copies, which continues unabated. We answer each month about six hundred inquiries for information and advice.

NATIONAL MUNICIPAL REVIEW

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EDITORIAL COMMENT

Smoke Abatement for Next Year

New York and other cities which use anthracite exclusively (when they can get it) hope and pray that smoke abatement will not be the serious issue next winter that it has been in the past. In scores of cities, however, smoke will continue to be a very real nuisance as well as a source of economic loss to the community. Fortunately much can be done towards abating the nuisance and reducing the loss if sufficiently strenuous measures, such as are described by Mr. Meller in this issue, are taken. In view of the great strides made in Pittsburgh who will say that results do not compensate for the effort expended in securing them?

Now is the time of year for city officials and others to read Mr. Meller's article and to make preparations to carry his suggestions into effect. Successful smoke abatement may seem expensive and undoubtedly requires a period of time for its accomplishment, but if an organization is developed and plans are made in advance, the smoky season next winter will be less grimy and more healthful.

In this connection results secured in Salt Lake City are encouraging. A study of the records indicates that the total amount of smoke produced by heating and industrial plants, exclusive of private residences, in 1925 was only 66 per cent of the amount produced in 1924, only 42 per cent of the amount produced in 1923, and only 27 per cent of that produced in 1922. Every large heating and industrial plant in the city is now equipped with proper smoke abatement devices. The largest portion of smoke now produced within the city limits comes from the heating plants of private residences, but experimental work carried on by a crew of part-time men has proven very conclusively that the smoke from the residences can be reduced 50 per cent during the first winter in which the new methods are applied. This work will not be expensive. It is estimated that the instruction and supervision of the operation of residence heating plants would not cost more than fifteen cents per house per year. Increased comfort would justify a heavier expenditure than this, but when the economic and health savings are considered the cost of smoke prevention becomes negligible.

*

Non-Voting Public Utility Stock

During recent months there has been growing interest in non-voting stock in relation to corporate control, especially as affecting public utilities. The tendency on the part of financial interests to obtain control of large business undertakings with little or no cash investment, was brought out early in the year by Prof. W. Z. Ripley of Harvard University, who pointed out the dangers to our business standards. If by various devices, such as lessees, holding companies, voting trusts, non-voting stock, etc., the control of the property is diverted from the actual owners to persons who have little or no money at stake in the enterprise, there is grave danger of financial manipulation and mismanagement, with attention centered upon the stock market rather than on the economic function of the business. This applies particularly to railroads and utilities, which are clothed with a special public interest.

There are two aspects to this problem: first, stockholders who have made investments in the properties should not be deprived of the voting right and, second, no special security owners with little or no investment should obtain exclusive or preponderant control of the properties. This principle was recognized by the interstate commerce commission in refusing to approve the Van Sweringen railroad consolidation, and was emphasized still more recently by the board of public utilities commission of New Jersey when it refused to approve a proposed issue of non-voting stock by one of the public service companies operating in the state of New Jersey. Such non-voting stock issue is legal so far as the general corporation and public utility law of the state is concerned, but the refusal to approve the issue was based upon the public danger of separating ownership and control and placing control in the hands of a group which has no substantial capital invested in the service. There is here a very important problem that deserves careful study throughout the country, especially in the rapid development of holding company systems. It appears particularly in the large amount of non-par value stock employed in developing the holding company groups.

J. B.

*

Should Corporations Vote in Municipal Elections? There appears to be a strong movement in England in favor of extending the local government franchise to private corporations owning real estate within the municipality. A bill to enable such corporations to vote is before Parliament and the commercial and industrial boroughs are particularly interested in it. The argument is that business corporations own a great deal of the taxable property but have no voice in the government of the municipality and that the local authorities are incurring vast expenditures in which the corporations which pay the taxes have no voice. It is said that the percentage of ratable property owned by corporations in the largest cities (including Liverpool, Manchester and Birmingham) amounts to more than 30 per cent of the whole, and it is felt that there can be no democratic representation as long as this amount of property is denied a vote.

The case of the borough of Poplar has helped to stimulate interest in favor of the plan. Today almost one-half of the rates paid in this much discussed borough are collected from companies who have no right to vote as such in the local elections. This borough is heavily populated by laborers, the owners and directors of the companies living elsewhere under more attractive surroundings, and it is the heavy labor vote which has been responsible for the so-called socialistic experiments undertaken by the Poplar municipal council.

The proposal to give the ballot to manufacturing and commercial corporations sounds strange indeed to American ears. We no longer identify the right of suffrage with the ownership of real estate. Although the Representation of the People Act of 1918 made the local government franchise all but universal in England, the small property qualifications remaining still exclude thousands of household servants and sons and daughters living with their parents. The identification of the franchise with property holding has not, therefore, been completely abandoned and to give corporations the right to vote because they hold property would constitute a return to the principle that property per se is entitled to representation.

The contrary is the doctrine generally held in the United States and irrespective of how plausible may be the arguments in England in favor of allowing corporations to vote in municipal elections there is no possibility that the movement will spread successfully to this country. Most of us have a vague feeling that corporations contrive somehow to be represented although their names do not appear on election registers and they make no pencil marks on the ballots.

✣

Gasoline and Governmental Costs

Some light on increasing costs of local government is thrown upon a recent report of the United States bureau of mines regarding gasoline consumption and registration of motor cars. In 1925 the estimated production of gasoline was 10,886,000,000 gallons against 8,900,000,000 in 1924 and 7,500,000,000 in 1923. Approximately 85 per cent of this quantity was demanded for domestic use.

The number of motor cars and trucks registered in 1925 was 20,100,000 against 17,500,000 in 1924 and 15,000,000 in 1923. The average number of gallons of gasoline consumed per car was 497 in 1925 against 476 in 1924 and 489 in 1923. Inasmuch as the efficiency of the automobile engine has not been reduced during this period, the increase in the number of gallons used per car is doubtless due to the increased percentage of trucks and motor busses as well as probable greater use of the family car. This means more roads and harder wear on them, more traffic policemen and more money spent in traffic control, as well as other real but less obvious burdens which the automobile has thrown upon local government. In a word, cheap gasoline means higher governmental costs, but if it means more joy in living no one should complain. Protests against high taxes have sounded to high heaven, but to date no one has suggested legislation to abolish the automobile in favor of lower taxation. And it would be well to remember that the same considerations apply to other phases of governmental activity and increased costs.

And while we are on the subject we would call attention to the article in this issue by Clarence Heer on the Rising Cost of State Government. Many honest and sincere people are convinced that higher taxes in recent years have been due to a veritable saturnalia of public spending by selfish politicians. After reducing the current expenditures for commodities, which the state of New York buys, to the pre-war price level, Mr. Heer reveals that almost one-half of the increase is due simply to higher prices of services and materials. Only 20 per cent of the increase can be called optional; over the balance the state legislature had no control. Moreover, if chronic tax kickers will examine the purposes to which this optional 20 per cent was devoted, they will concede that they were reasonable and desirable. We all dislike high taxes in the abstract, but few of us would prefer to do without the wide range of services afforded by government. Naturally these services cost something and must be paid for.

County Government Reform Urged by Governor Smith In his annual address to the legislature, the governor of New York urged that attention be given to the reduction of wastes in county government, and asked that the legislature continue the Hughes commission, appointed to prepare a plan of consolidation of the state administrative agencies, for the purpose of studying the reform of county government. Governor Smith points out that county government costs the people of New York about $47,000,000 annually. Many counties, he states, have a population less than that of two square blocks in New York city. Great economies, he believes, can be effected by consolidating such counties. The telephone together with auto transportation over hard roads has destroyed the old arguments in favor of the existence of these small counties.

That the governor is in earnest is demonstrated by repeated reference to the subject in later speeches. He has pointed out that a similar recommendation was made by Governor Miller in 1922 and ignored by the legislature. The cynical assert that these sparsely settled up-state counties are overwhelmingly Republican and that to consolidate them would be profitable to the Democrats, since each county is allowed one member in the state assembly irrespective of how small its population may be, a condition which increases Republican strength in the legislature out of proportion to popular voting power. On the other hand, it must be said in fairness to Governor Smith that his recommendation for a thorough survey would extend to the five counties which make up New York city and which provide rich spoils for the Democratic organization. In an address before the State Association of Real Estate Boards, he had this to say of New York city: "New York has five counties inside one city and nothing could be more ridiculous. They have a sheriff in each county down there and there is nothing that the sheriff does that an attendant of the supreme court couldn't do." Governor Smith was once sheriff of New York county and it may be presumed that when he made this declaration he spoke from knowledge gained by experience.

In a later message which we will publish in next month's REVIEW, Governor Smith boldly characterized New York county government as archaic, and considered in detail the shortcomings in service and efficiency rendered by a system which has existed without material change since the time of Peter Stuyvesant. Unless we are to keep county government as a national monument to be increasingly hallowed by age as the years go by, intelligent people must give honest and careful attention to it.

The real truth is that neither political party in New York cares to discuss county government, any more than do political parties in any other state of the Union, and Governor Smith's recommendation, like that of his predecessor, will come to naught. Newspaper writers agree that an investigation would disclose irregularities in many counties and recall efforts made by Mr. Hughes to secure legislation when he was governor authorizing him to examine into the affairs of counties. Mr. Hughes will not be given another crack at county government if the legislature can help it. Some day, however, the lid will come off.

SKETCHES OF AMERICAN MAYORS

III. JAMES M. CURLEY OF BOSTON

BY T. G. GOOS

From early years an indefatigable political worker, Curley rose from the tenements to become twice mayor of Boston. Self dramatization is his strength and as old friends leave him a new following springs up. And Boston hasn't finished with him yet, nor he with Boston.

AMONG prominent Bostonians of today, none presents sharper contrasts in character than the man whose second term as mayor of his native city ended last January. Few, if any, of his contemporaries have been so amply endowed with outstanding traits which would enable them to make a mark for better or for worse in whatever line of endeavor they might select. Few have traveled as far as has James M. Curley from his humble beginnings in the Roxbury district. He has not, however, always kept along the "straight and narrow" way and consequently he and his methods and accomplishments are a prolific source of argument in his city and will continue to be so for many a day.

Little can be found in Curley's schooldays to explain his subsequent career, for he did not stand out among his mates either as a leader or as a scholar. The death of his father while he was still in the elementary grades probably cut short his formal education which ended in the evening high school. His self-education has not yet ceased and has been both broad and deep.

Even before he graduated from the grammar school he was working after hours for a local druggist and continued with him for two years after leaving school. Then for eight years he was a salesman and collector in the grocery business and after that in the insurance business for a few years before he turned definitely to what has been his chief occupation ever since—politics.

A HARD WORKER IN WARD 17.

He had apparently made some progress politically before he became an active candidate because when he first ran for office in 1899 he was not only a member of the Jackson Club, an organization which included most of the Democratic leaders in his section of the city, but had also become prominent in Irish societies. About a year later, however, he and his associates formed a Democratic organization and called it the Tammany Club of Ward 17.

Curley was president of the new club and through it and on it he built the solid foundation of his political fortunes. He still controls it and it is still a powerful factor in the city. In these days Curley was diffident, modest and appealing, and physically a slim, almost frail, fellow who was the idol of his friends and at the beck and call of everybody in his district. A typical day then began about eight in the morning, while he was eating breakfast in the kitchen of his tenement home, with visits from half a dozen or more people seeking jobs, loans or other favors. Those whom he could not attend to at once would accompany him to the Tammany Club quarters, gathering recruits on the way, and there he would meet another group.

He would then attend to each case as well as he could by such means as giving them letters of recommendation, calling people by telephone or by giving out small sums in cash, the total of which was far greater than his known income. About eleven o'clock he would take those who were still unattended to down town to City Hall, dispose of some more of them together with an additional contingent awaiting him there, and about noon would go to his brother's real estate and insurance office a block away to get rid of the last of his retinue and to meet his lieutenants before going to dinner at two o'clock. He would appear again at the Tammany Club about seven in the evening, dispose of another group of suppliants, for it was one of his rules then never to give an outright refusal to any plea for aid, make a round of dances, social gatherings and wakes in the district between nine and eleven and return to the clubhouse for a couple of hours' gaming or talking with the boys. Such was a typical day from one election to another with simply intensified activity during campaigns.

It was during this period of his life that he was convicted of impersonating another man in a United States Civil Service examination. For this crime he served two months in jail, but whatever the stain on his private reputation, through his unrepentant attitude and skilful manipulation, this offense became a political asset of great value. He was re-elected alderman while serving his sentence and for many years gained votes on the strength of having "done time" for helping to get a man a job.

HIS WIFE SHARES THE CREDIT

During this period too he married a woman of great strength of character and forceful personality to whose encouragement and counsel many of his future successes are commonly attributed. Whether or no it was due to her influence, it is impossible to tell, but about the time of his marriage he began to be less intimate with his more humble associates, to be more the reserved and distant leader and to cultivate the "white collar" element of his Tammany membership. He was beginning to expand his horizons and to school himself for the game in a broader field.

Curley's public career includes service in the old common council of seventy-five members in 1900–01; in the state house of representatives in 1902–3; and in the board of aldermen, with thirteen members, 1904–9. This body was replaced by a city council of nine to which Curley was elected and in which he served until March, 1911; then he became a member of congress until 1914, resigning only after he had been sworn into office as mayor, when objection was made to his holding both offices. He was defeated for re-election as mayor in 1917 and for the Democratic nomination for congress in his old district in 1918, elected mayor again in 1921, defeated for governor of Massachusetts in 1924, and since the Boston charter now debars a mayor from succeeding himself, he is out of office for the present.

While he was building up a reputation as a clever, tricky, vituperative, and bold leader of the "gang" element during his long service as a member of the municipal legislative bodies, he was likewise acquiring an intimate knowledge of the city's affairs, administrative methods and personnel which enabled him to know how to take executive control, when he became mayor, better than any other mayor-elect since 1891. To-day after eight years as mayor he is indubitably one of the four best informed men in the city on municipal affairs and possibly without a peer. During these years he was steadily improving himself mentally by study and also developing his great natural gifts as an orator. Still it was not until he announced himself as a candidate to succeed Mayor Fitzgerald in the 1913–14 campaign that his audacity and ability for bigger things really impressed themselves on his fellow citizens.

HIS FIRST CAMPAIGN FOR MAYOR

Many potential candidates flirted with the idea of running then. Mayor Fitzgerald scared or squeezed out all the "gang" candidates except Curley and Thomas J. Kenny's friends induced all the reform candidates to drop out except Earnest E. Smith, who at the last moment was held to lack sufficient signatures for nomination. Then, too, Fitzgerald dropped out on the plea of ill health, although rumors have persisted that certain threats by Curley were even more effective in making his decision.

The contest thus was between two strangely contrasted men. They were alike in being descendants of humble Irish Catholics and in having forced themselves up by hard work, but unlike in almost all else. Kenny was a middle-aged, staid, dignified lawyer, cold in manner, reserved, unmagnetic, slow but clear in his thinking and the soul of honor in both public and private affairs. Curley was young, fiery, with a pleasing presence and an exceptionally magnetic personality, daring in his political tactics, brilliant and unusual in his political strategy, tireless in his energy and willing to campaign at a headlong pace. Curley appealed to the sense of the dramatic, posed as the underdog, stirred up race prejudices, fired the "gang" with his own enthusiasm and got the undercurrent running in his favor. Kenny was Curley's best advocate, next to himself, by the absolutely uninspiring showing he made and through the ineptitude of his managers. To cap the climax, when election day came the thermometer was about ten degrees below zero. The vote was light and to the astonishment of all but close observers, Curley won by about 6,000 votes.

REVERSAL OF FORM IN FIRST ADMINISTRATION

Once in office he was faced by a difficult situation with an empty treasury and much unemployment. He attacked these problems courageously and intelligently. The first few months of his administration were so full of promise of good things that in the fall of 1914 some leaders of the political reform organizations gave a dinner in honor of Mayor Curley at which their praise of him was emphatic. Shortly afterwards the tone of the administration changed and from then on all the usual abuses of a "gang" mayor prevailed with a ruthlessness and boldness which made most people gasp, and many who had to deal with the city government, bow and bide their time.

When the preliminaries of the election campaign in 1917 began, the time was inopportune and the tactical situation bad for Curley. The community was deeply stirred in its patriotic feelings, but Curley had shown himself pro-German on many occasions prior to our entrance into the war and even after we did go in he made at least one important speech which was not wholeheartedly American. Many of the "gang" element were sore at his treatment of them and several other leaders were unwilling to concede him the chance for re-election which he desired without opposition. Some he squeezed out quietly, with others he flung caution and discretion to the winds. It was hinted, for example, that ex-Mayor Fitzgerald might run. In July, 1917, Curley permitted an anti-war Socialist parade and meeting. Fitzgerald took him to task publicly for it and Curley pounced on him. In a newspaper statement the next day he said:

> The only individual anxious to suppress the truth or to restrict free speech is the one whose acts, public or private, will not permit of thorough scrutiny or exposure to the world.
>
> The frothing of a certain person on Boston Common last evening was not directed against me personally because of anything said by me, but was with a view to stifling free speech in general, as a measure of personal protection from the truth, which in its nakedness is sometimes hideous though necessary.
>
> I am preparing three addresses which, if necessary, I shall deliver in the fall, and which, if a certain individual had the right to restrict free speech, I would not be permitted to deliver.
>
> One of these addresses is entitled: "Graft, Ancient and Modern"; another, "Great Lovers: From Cleopatra to Toodles," and last, but not least interesting, "Libertines: From Henry VIII to the Present Day."

Fitzgerald answered him effectively in a somewhat more dignified fashion, but he did not run. Instead he and many other politicians, who disliked Curley, rallied around Congressman James A. Gallivan, split the "gang" vote, and made sure the election of Andrew J. Peters, a so-called Yankee Democrat of fine character with a long, distinguished record of public service, who was supported by the Good Government Association forces.

Curley suffered another defeat in 1918 when his desire to avenge himself on Congressman Gallivan apparently blinded his political judgment. Gallivan had succeeded Curley in congress and was very popular in his district. Curley contested the nomination with him although with characteristic boldness he had about 1916 moved out of the district into a costly new mansion, built largely by city contractors, in an exclusive residential district. This campaign was very bitter and the fact of non-residence helped Gallivan to beat Curley in every ward except the Tammany stronghold.

RE-ELECTED IN 1921

From then on Curley devoted his political activities to methodical, thorough preparation for the mayoralty campaign in 1921. He spoke wherever opportunity offered, particularly on the Irish troubles. He ostentatiously sided with the striking policemen in 1919. He belittled the Peters administration which in the trying war times did a creditable piece of work. He began his real campaign in the spring of 1921 long before any of his possible rivals dared to announce themselves, and from the standpoint of technique planned it admirably and staged it well.

Everything in it focussed upon Curley himself. Except at the very end, even those leaders who were with him were kept in the background so that the appearance of a lone fight could be maintained. He had to build up his own organization because the shell of the Democratic machine and the administration were controlled by his enemies. His friends were carefully assigned all over the city and through broadcast circulation of pledge cards during the summer, which were followed up by mail, many more workers and sympathizers were recruited. Attacks on his probable rivals were planned, and the entertainment at rallies thought out carefully. A deceptive and misleading, but most effective, speech, illustrated with stereopticon views and moving pictures on the contrast between his administration and that of the "Goo-Goo" Peters, was prepared for delivery.

The general opinion was that his

record and his defeats in 1917 and 1918 had ended his chances of election, but during the summer events began to shape themselves favorably. Judicial proceedings were begun against a blackmail ring, which was very powerful politically, and just as the campaign opened in the fall, Joseph C. Pelletier of Boston, the district attorney of Suffolk county, was formally accused of complicity in the blackmail operations. Pelletier countered by announcing his candidacy for mayor, and, posing as one who was persecuted because he was a successful Irish Catholic, brought up the racial and religious issue in virulent form.

The Good Government forces could not run Peters again because of a charter amendment and after carefully sifting the field, they endorsed John R. Murphy, an Irish Catholic of long experience in public affairs and an unblemished public and private record. He was a brother-in-law of John Boyle O'Reilly, the poet, and a lifelong advocate of the Irish cause, but he was sixty-five years old, had developed a rather brusque and irritating manner, and during his long career had made many political enemies by his outspoken adherence to high standards, especially when he disrupted and defeated the Democratic party in 1899 because he believed the nomination for mayor had been stolen from him. Two minor candidates stayed in the race: O'Connor, a clean young Irish Democrat with no particular weight, and Baxter, an old Republican machine politician who ran on an anti-Catholic platform.

A CAMPAIGN OF MISREPRESENTATION

Murphy at once became the target for all his rivals. The Pelletier and Curley forces treated each other gently, but to Murphy they applied the psychological formula, 'vigorous assertion, repetition, contagion and conviction' with deadly effect. "Poison gas" squads deliberately circulated propaganda that Murphy had left the Catholic Church, become a thirty-third degree Mason, a Baptist, a director in the Loyal Coalition (a local anti-Irish society); that he was disgracefully parsimonious and hardhearted with his family. All was baseless, but so thoroughly spread that thousands of voters were swayed by it. Denials were made, of course, but the truth never caught up with the lie.

As election drew near, however, it was clear that with both Pelletier and Curley running, Murphy would win. Both were deeply committed to staying in, but Curley proposed an elimination, Pelletier accepted, and the editor of a particularly yellow newspaper, the only one in town not supporting Murphy, was chosen as umpire. At practically the last minute and in dramatic fashion, he decided in favor of Curley and withdrew Pelletier. The situation changed in a flash.

Now Curley's careful organization work told. His followers toiled frenziedly. His enthusiasm was invincible. His press agents outdid themselves. The Boston *Post* had published a series of character sketches of the candidates. The sketch of Curley, if carefully read, was a terrible denunciation, but if superficially read, might be considered complimentary. The conclusion, typical of the whole, read:

> And finally, and this is written with a deep dislike for many things that Curley does, if the citizens of Boston were wise enough to pay a salary of $100,000 a year to a mayor and free him from all personal financial ambition, from importunate hordes of supporters who demand their perquisites, from the necessity of forming a personal machine to forward his political desires, from the temptation to punish people who disagree with him, then James M. Curley would be an admirable choice. He would do the job

right and earn his big salary many times over. It would be a ten-strike for the city, for Curley has the type of brains that Boston needs.

But democracies are seldom so wise.

With consummate daring, Curley's managers took this article entire, added to it a letter, purporting to be written by Mrs. Curley, and made that their chief campaign circular. Curley, himself, was a host. In his speeches and statements he fully earned the characterization "peerless in promising, master of misrepresentation and adept in the art of personal abuse." He seemingly cared nothing for accuracy or truth in his statements, if only they were strikingly dramatic. He laid great stress upon his pledge of an immediate return to five cent street car fares although he knew it to be impossible because the labor cost alone was greater. The climax of his campaign came the Saturday night before election in a most perfectly staged rally where enthusiasm was unbounded and which many think actually turned the scale in his favor, for he was elected by a plurality of 2,470 votes.

His second administration was like the latter part of his first and he left to his successor a financial situation which necessitates a drastic increase in taxes, and a badly demoralized personnel, with few able department heads.

CRUEL IN PUNISHMENT—ADMIRED FOR AUDACITY

Curley, the man, recalls Dr. Jekyll and Mr. Hyde. He can be charming or devastating almost at will. When matters are going smoothly, or on formal public occasions, with his magnetism, his broad knowledge of affairs, his remarkable speaking voice, he is not merely impressive, but interesting and convincing. But when crossed or annoyed (and despite all his years in politics, he is very proud and correspondingly thin-skinned) the veneer of culture cracks. Then he becomes the raging, vindictive, cruel tiger of Tammany symbolism, snarling insults, flinging out cheap taunts and billingsgate and crushing all whom his claws or fangs can reach. Men of standing will not accept posts as department heads under him because with rare exceptions he tyrannizes over them so, even in *minutiæ.* The lesser employees were in constant dread of incurring his displeasure because one of his worst traits is the savage, unrelenting vindictiveness with which he punishes even the humblest who offend him.

Although from and of the "gang," he has the vision and breadth to grasp new "highbrow" ideas and the courage to push them, as, for example, in his support of city planning and zoning. He also has supported vigorously other ideas with great advertising value, such as recreational facilities and preventive health work, while the care of municipal wards was sadly neglected and the punitive phases of health work were sharply restricted. He has always been ready to spend money, but other things being equal, was ready to raise it by sound financial methods and to spend it on objects with artistic value as well as on purely utilitarian objects. One who has had ample chance to observe him closely said that after himself and his family, he really loves Boston.

Many in Boston admire him and enjoy him for his audacity, the manner in which he assails other leaders, and his powerful oratory. It is doubtful whether many love him. It is certain that many hate and fear him. One sinister fact is noticeable that the intimate friends of one political fight are rarely with him in the next. Yet, such is his capacity to attract a new following that the gaps have always been filled. He has developed to a high degree the art of dramatizing himself and his acts. When he is campaigning or in office the City Hall reporters are seldom without a story, and he revels in newspaper controversy with his ready pen and biting sarcasm. It would seem from the decisive margin by which he was defeated for governor in 1924, that his field of operations is limited to Boston. Perhaps his day is over there, too, but current opinion seems to be that he was not greatly disappointed that his affable but weak henchman, Glynn, was defeated last November because it will make his own re-election in 1929 all the easier and Boston is unlikely to select two Good Government Association candidates in succession.

Curley has made his mark on Boston's life. On the material side there are many things to his credit. On the spiritual side his family life is admirable, but in its public aspects the debit balance on this side is heavy, for, while diverting his fellow citizens, he has perverted their political ethics and debased their standards of public morals and public service. The price is high for the good he has done and is not yet fully paid.

THE USE OF THE RECALL IN AMERICAN CITIES

BY J. OTIS GARBER

University of Toledo

It is very doubtful if there have been more than 120 municipal recall elections in the 1500 cities in which the right of recall exists. :: ::

Since the introduction of the recall in Los Angeles in 1903 by Dr. John R. Haynes, it has spread over practically the entire United States. There are now fifteen states[1] which extend its use to all cities within their borders and twenty-three states[2] which provide for the recall in certain cities. There are 820 cities of over 2,500 population in the general recall states and 136 cities in the other states which are known to have provisions for the recall. In all probability, if all cities having this instrument were known, the total would be about 1500.

To what extent have these cities made use of this control over their public officers? Several partial surveys have been made, but none of them covers the field except in a very limited sense.[3] To gain a more adequate idea of what use is being made of the recall, the present survey was undertaken. It is realized that it is still incomplete, and any additions or corrections will be welcomed by the writer.

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[1] General recall states by constitutional provision are: Arizona, California, Colorado, Idaho, Kansas, Louisiana, Michigan, Nevada, North Dakota, Oregon, Washington, Wisconsin. In addition Illinois, Mississippi, and Missouri provide for the recall by general law.

[2] The ten states which make no provision for the recall in any city are: Alabama, Delaware, Indiana, Kentucky, Maryland, New York, Pennsylvania, Rhode Island, Utah, and Vermont.

[3] Cf. National Municipal Review, III, 695—"Municipal Initiative, Referendum, and Recall in Practice," by Dr. Charles F. Taylor. *Ibid.*, I, 586—"The Actual Workings of the Initiative, Referendum, and Recall," by Dr. John R. Haynes. *Ibid.*, V, 380—"Some Recent Uses of the Recall," by Stuart Fitzpatrick.

SMALL NUMBER OF ELECTIONS AND SMALLER NUMBER OF RECALLS

In order to get a fair sample of the workings of the recall, questionnaires were sent to all city-manager cities which were known to have provision for the recall in their charters—149 in all. Replies were received from 121 cities. In these cities there have been only twenty-seven attempts, distributed among twenty-four cities, to use the recall. On seven occasions the petitions were insufficient, and so there was no election. In ten cities thirteen recall elections failed to recall the officers voted on. In seven other cities seven elections resulted in the actual recall of officials.

The writer found record in magazine files of some fifty-five cities which had used the recall. Questionnaires were sent out to these cities, and forty replies were received. From all these data the accompanying table of statistics was made. It covers a total of 100 attempted recalls in twenty-nine states from Maine to California, and is believed to be fairly representative, if not complete.

Where elections were held, exactly half were successful in recalling the officials. This would seem to follow the general law of averages, and needs little comment. The most significant thing is not the percentage of recalls to the elections held, but the small number of elections in proportion to the cities known to have the recall. Of the 956 cities known to have this instrument, we have record of only seventy-two which have had elections, only thirty-six of which have been successful in recalling officers. It is very doubtful if there have been more than 120 actual recall elections in cities. Assuming that there are 1500 municipalities having provision for it, and that 120 have used it, this is only 8 per cent and in only 4 per cent have the elections resulted in successful recalls.

Certainly the recall has not been abused by overuse. And its value lies not so much in its use but in its existence.[4] It is a "big stick" to be kept handy behind the door to inspire the wholesome respect of the public official. On the whole, observers believe that its use has been justified, although there are a few instances where it has been manipulated by politicians for partisan motives. One city official very pertinently pointed out that its greatest value lies in the fact that it gives the public a sense of confidence in itself. The people feel that at any time they can "turn the rascals out" if they misbehave in office. This psychological effect is often overlooked. The self-confidence of the public in its ability to control public officers is one of the necessary factors for the healthy existence of a democracy.

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[4] Many times the mere threat of recall has had the desired effect. In 1920 at a joint meeting of the Toledo luncheon clubs, Mayor Schreiber was threatened with recall unless he removed the safety director, who was considered to be too lax in dealing with the crime situation. The move was successful, and George P. Greenhalgh, the choice of the protesting group, was installed as the new director.

TABLE OF RECALLS

Covering 100 cases in forty of the fifty-five cities which have used, or have attempted to use, the recall.

State and City	Petition Failed	Election Failed	Successful Recall
* Alabama			
Mobile		1	
California			
Bakersfield		1	
Colton		1	1
Long Beach			1
Los Angeles	2		1
Oakland	1	2	
Richmond		2	
Riverside			1
San Bernardino		1	1
San Diego			1
San Francisco	1		3
San Jose	1		
Santa Cruz			1
Tulare		1	
Vallejo	1		
Visalia			1
Colorado			
Colorado Springs	1	1	
Denver		1	
Connecticut			
Stratford			1
Georgia			
Atlanta		1	
Illinois			
Springfield	1		
Waukegon		1	
Iowa			
Marshalltown	1		
Sioux City		1	
Kansas			
Cherryville	1		
Hayes	1		
Lawrence		1	
Pratt		1	
Salina	1		
Wichita			1
Louisiana			
Shreveport			1
Maine			
Portland			1
Massachusetts			
Boston		2	
Lawrence			1
Mansfield		2	
Salem			1
Michigan			
Albion	1		
Bay City			1
Kalamazoo		2	
Munising			1
Pontiac		1	
Minnesota			
Morris		1	
Missouri			
Joplin			1
Nebraska			
Nebraska City			1
New Jersey			
Long Branch	1		
Wildwood			1
New Mexico			
Alberquerque		1	
North Carolina			
Charlotte		1	
North Dakota			
Mandan	1		
Minot			2
Ohio			
Sandusky	1		
Oklahoma			
Ardmore			1
Bartlesville	1		
Duncan		1	
Guthrie	2		
Oklahoma City	2		
Oregon			
Junction City			1
Portland			1
South Carolina			
Beaufort		1	
Columbia	2		
South Dakota			
Aberdeen		1	
Huron		1	
Rapid City		1	
Sioux Falls		1	1
Tennessee			
Nashville		1	
Texas			
Dallas		2	2
Virginia			
Norfolk	1		
Portsmouth		1	
Wisconsin			
Janesville	1		
Superior		1	
Washington			
Escatada			1
Everett			1
Hoquiam			1
Seattle			1
Tacoma	2		2
Walla Walla	1		
Total	28	36	36

* The supreme court of Alabama declared the recall unconstitutional.

THE PRESENT TAX SITUATION IN OHIO[1]

BY ROBERT A. TAFT

Ohio is gradually escaping from the shackles of the Smith One Per Cent Law, but still has lost ground to recover. Tax limits do not enforce economy. :: :: :: :: :: :: :: :: ::

THE state government of Ohio is entirely supported by indirect taxation on corporations, franchises, utilities and automobiles. The support of any government is always a problem, but in the case of the Ohio state government it is not one of great difficulty. The real problems of taxation in Ohio relate far more to local taxation, that is the method of raising money to support the local governments, such as cities, school districts, counties and townships. These districts are supported almost entirely by the general property tax, on land, buildings, and all other forms of property, a tax which has never been wholly satisfactory and gives rise to very serious problems.

EVILS OF THE UNIFORM RULE

These local tax problems in Ohio today are divided generally in two main classes. The first relates to the problem of "classification," or the method of taxing intangible property such as stocks, bonds, accounts and deposits. Under the Ohio constitution, all property must be taxed by a uniform rule, which means that intangible property must be taxed at about 2 per cent of its value, the rate required from real estate. Experience has proved that it is impossible to tax intangible property at this rate, and the only result of the constitutional rule is that practically no taxes are collected from intangible property, leaving the burden to fall almost entirely on real estate. There is a constant tendency to drive the liquid intangible property out of the state to other states where no such tax is levied. Realizing these disadvantages, the different organized groups in the state, including those representing the real estate boards and the farmers, co-operated in submitting an amendment to the constitution last November authorizing the legislature to devise other means of taxing intangible property, which would make such property pay a fair tax and yet bear in the aggregate a larger share of the tax burden.

Unfortunately this amendment was defeated at the polls largely through the general ignorance which prevails on questions of taxation. Similar amendments have been frequently submitted before, and for one reason or another have always been defeated. But the amendment should be submitted again as soon as possible and sooner or later is certain of success. As long as the uniform rule remains in the constitution of Ohio, it is impossible to have a modern or efficient system of taxation. Since the uniform rule is a part of the constitution, the legislature has no power to make any change in its provisions, until the constitution itself is changed.

TAX LIMITS DO NOT COMPEL ECONOMY

There is another problem, however, more serious if anything than that of classification, to which the legislature is endeavoring to find a solution. It relates to the tax and debt limitation systems of the cities, schools, counties and other local governments of Ohio.

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[1] Reprinted from the *Ohio Woman Voter*.

It is the problem of supporting these governments and at the same time compelling economy in their expenditures; the same problem with which President Coolidge has been struggling at Washington. Difficult as this job is in the national government, yet that government is centralized and subject to one executive head. It is far more difficult by general legislation to compel economy in five thousand independent taxing districts scattered throughout the length and breadth of the State of Ohio.

Most students of taxation believe that the only way to compel economy is to make local officers responsible for the tax rate of their own district, permit economy to become a political issue and solve high taxes by voting out the people who have caused them. The people of Ohio, however, are committed to a policy of economy controlled by legislation. The Smith One Per Cent Law aimed at economy by imposing a limitation on the taxes which could be raised in every district in the state, and efforts to make any substantial change in the principle of that law have been unavailing. A tax limitation system imposing a combined limitation on the taxes which may be levied on any property by city, school, county and township is a determined policy of the policy of the people of Ohio which as a practical matter cannot be changed. It is almost equally impossible to change the 15 mill, or 1½ per cent, limitation for ordinary expenses of government. This is true although the Smith Law wholly failed in its purpose of holding taxes down by a limitation on taxes.

WHY THE SMITH LAW FAILED

The reason for this failure is not hard to seek. The limitation of taxes is a result of the limitation of expenses, not the cause. The reason the federal government is able to reduce taxes is because it has first reduced expenses. The Smith Law failed because it attempted to limit taxes without directly limiting expenses. Money for government may be obtained in two ways, either by taxation, or by the incurring of indebtedness. The Smith Law while limiting taxation, left the local districts free to borrow money (1) by formal bond issues or (2) more easily and simply by running into debt. The districts did not limit their expenses; they borrowed the money to pay them. Sooner or later these bonds and this debt have to be paid. Once the money is spent, the damage is done. The local governments must pay their debts and sooner or later the taxes have been increased in order to enable them to do so. The people cannot have new buildings and new services without in the end paying for them.

The Smith Law attempted to limit bond indebtedness by including the levies required to pay the interest on bonds and pay off the bonds within a general tax limitation. The result was that as the bonds took more and more of the taxes, less and less remained for current operating expenses. It is hard for officials to worry about the difficulties of their successors, and the effect on future current expenses imposed almost no check on the issue of bonds. Schools were closed, cities became bankrupt, and, of course, the legislature was finally obliged to make exceptions to the limitation laws to permit current operation. Taxes increased gradually to a higher rate than they would have reached without any limitation at all. The legislature had to pass many laws permitting current unfunded indebtedness to be funded into long term bond issues. The whole proceeding showed the entire futility of attempting to limit expenses simply by limitation on taxation.

The problem which has been before

the legislature for the last four years is to work out an efficient method of limiting expenses which will make the tax limitation law mean what it says. The first step was to limit the issue of bonds, not by tax limitation on the money needed to pay off the bonds but by limitation on the amount of the bonds themselves. The passage of the Griswold Law in 1921 was the first step in this direction. Other laws have followed limiting the bonds that may be issued without vote of the people both in county, school and city. There is still work to be done in eliminating special legislation permitting bond issues without vote of the people such as the law which authorizes the state health department to require the issue of bonds by cities to build sewers, whether the people are in favor of such expenditure or not.

KRUEGER BILL RELAXES LIMITS

The legislature in 1925 also passed the Krueger Bill requiring the people if they desire a bond issue, to vote at the same time an extra levy of taxes outside of the current expense limitation to pay the interest on and pay off that bond issue. This means that in the end 15 mills will be left for current expenses which will probably be sufficient to insure at least the operation in an economical manner of all taxing districts in the state. But there are some serious situations resulting from past policy in this regard. Thus in Allen county out of the 15 mills allowed for current operating 8½ mills are required for sinking fund and interest levies on bonds, leaving in the city of Lima only 6½ mills for county, schools and city. After the schools and city have their share, the county is left absolutely without operating funds. At the recent special session the legislature passed a law permitting the people of Lima to put 4½ mills of these levies outside of the 15 mill limitation on petition of a majority of the voters, leaving enough money within the limit for necessary expense. All the worst situations in the state result from difficulties of this character, which will be fully cleared up when the Krueger Bill takes complete effect.

It is necessary, however, not only to limit the borrowing of money on bonds but the practice current throughout the state of spending more money each year than the taxes provide. At the end of the year the city, school or county is in debt. The following year it is still deeper in debt, and so on until in some cases, as in Gallia and Belmont counties, the entire tax revenues of one year are required to pay last year's debts. The Budget Law has made it appear that even in the counties, which were supposed to be more prosperous than schools or cites, over forty-four counties have operating deficits at the end of the year 1925. To stop this running into debt the legislature in 1925, passed the Vorys Budget Law providing briefly that an official estimate be made of the total available revenues of each city, school and county, that the district be prohibited from appropriating more than this official estimate, and that the clerk or treasurer, be required to certify against each expenditure that it does not exceed the money available in the treasury to pay it. This law absolutely requires the different districts to live within their income.

TO FORCE BALANCED BUDGET

No single principle is more important in government finance than the budget principle enforcing a pay-as-you-go policy. There has been some outcry against the Budget Law because the auditors are made personally responsible if they permit the expenditure of county money which is not available. But without teeth the Budget Law will be wholly ineffective. A similar law has been on the books for many years unobserved because of the lack of any penalty. There are no doubt many minor changes to be made in the Vorys Budget Law, but in general its principle must be adhered to if the Ohio principle of tax and expense limitation is to have any force whatever. The passage of this law is the most important step in government finance in Ohio since the passage of the Smith One Per Cent Law, and it is far sounder in principle than that law ever was. The operation of the Vorys Budget Law, however, revealed how far in debt many of the counties and other subdivisions had fallen. It was found that with these past debts hanging over their heads, many of the districts could not possibly keep within their revenues and operate at all. The law passed at the recent special session, therefore, provided that 1926 revenues could be applied to 1926 expenses, and past deficits which under the Budget Law cannot recur, can be spread over the next five years.

The legislature, furthermore, has made the limitation law more elastic by permitting the people of each district to vote whatever additional levies they desire to vote. In this manner the arbitrary state-wide limitation may be adapted to meet the needs of the particular district. The question of the distribution of money between cities, schools and county is also dealt with in the Dodd Law, but the complexities of this situation have increased so much by the passage of so many additional laws and exceptions to laws that the joint legislative committee on taxation is now preparing a complete revision of this matter of distribution to be presented to the legislature in 1927.

I think it is fair to state that no more complicated subject of legislation exists than the satisfactory working out of a tax and expense limitation system. The legislature has made substantial steps forward in the last five years. We hope that within a short time Ohio will have succeeded in establishing a system which will actually be of value in securing economy in the operation of local governments and thereby reducing the very heavy burden of taxation.

NEW YORK STATE REORGANIZES

BY RICHARD S. CHILDS

Member of the Hughes Reorganization Commission

The story of how the Hughes Commission carried out the purposes of the reorganization amendment by consolidating one hundred eighty odd agencies into eighteen administrative departments. Its recommendations were accepted by the legislature and will go into effect in January, 1927. :: :: :: :: :: :: :: :: ::

In 1909, when Charles E. Hughes was governor, New York was the scene of the first skirmishes on behalf of the short ballot. It was then a new idea and Mr. Hughes shared with Woodrow Wilson the distinction of being among the first public men of importance to accord recognition to the new doctrine. It found its way into governor's messages and party platforms after that but no legislation was passed.

In 1915 came the constitutional convention dominated by Elihu Root, Stimson, Wickersham and similar leading Republicans who put the short ballot idea into their new constitution, which, however, was defeated at the polls.

In 1919 Governor Alfred E. Smith created a commission on reconstruction. It had no very clear mission and roved around aimlessly for a while, finally, however, settling down to a survey of the state government. It counted up 187 scattered bureaus, offices and commissions and drew plans of reorganization.

THE CONSTITUTIONAL AMENDMENT

Not much could be done, however, under the limitations of the constitution, for not only was there the usual list of independently elective offices which have bedeviled reorganization in other states but some important appointive offices were constitutional too. A sweeping constitutional amendment representing, I feel, more real information than the current legislation, was drafted and, despite the good Republican traditions of its short ballot feature, was defeated or studiously neglected in several subsequent sessions of the legislature by Republican votes. However, it was finally submitted in 1925 and adopted by the people.

The amendment is long enough to set the framework, leaving to legislation only a mass of detail. It swept away the elective officers except the attorney general and comptroller. The former should have been made appointive, but this was a concession to the politicians. The comptroller, formerly a very powerful administrative officer, was reduced by the amendment to simply an auditor. Two constitutional appointive officers, the superintendent of public works and the superintendent of state prisons, were swept out of their constitutional anchorages, as were also sundry land and canal boards.

Having thus washed the slate, the amendment with admirable sure-footedness outlined the new organization calling for twenty departments or less, namely: (1) executive (the governor's own staff); (2) audit and control (the elective comptroller); (3) taxation and finance; (4) law (the elective attorney general); (5) (secretary of) state; (6) public works (to absorb the previously elective state engineer and the canal board); (7) architecture (the office of the state architect); (8) conservation, relating to the Adirondack forest reserves, state parks and water power; (9) agriculture and markets (to which a clumsy arrangement of control by a council was left permissive as a concession to vociferous farming groups); (10) labor; (11) education (to remain governed by the board of regents, an organization of high traditions which is elected by the legislature); (12) health; (13) mental hygiene; (14) charities; (15) correction; (16) public service (the public service commission); (17) banking; (18) insurance; (19) civil service (the civil service commission); (20) military and naval affairs. No new departments may be created hereafter, and any new offices or institutions created in the future must be put under one or the other of these departments. Overlapping of inspection of institutions was stopped by distributing to the departments of charities, mental hygiene and correction, clarified jurisdictions. Advice and consent of the senate was required to the governor's appointment of all the department heads.

THE HUGHES COMMISSION CREATED

Recognizing that the assignment of bureaus to the appropriate departments and the setting up of departmental powers was a task that might be badly jangled in the hurly-burly of a legislative session, Governor Smith asked the 1925 legislature, which was of opposing political complexion, for an official commission and an appropriation to prepare the legislation to put the amendment into effect. His request was refused. He then determined to create an unofficial commission and to ask ex-Governor Hughes to head it. When this became known, the legislative leaders hastily published a list of members of a commission of their own choosing and recommended to these members that they choose ex-Speaker Machold as chairman. The governor made the best of the situation by accepting it philosophically and asking for the privilege of adding a few members to it, which was granted, but not all his nominees were confirmed by the legislative leaders. The latter, I am told, lost their own list and had to get it from the newspapers when they came to send out belated letters notifying their appointees, and as they made no provision for receiving the acceptances, which were sent to various persons and addresses, when the commission met its roster was a bit uncertain.

The membership of the commission was not greatly different from what the governor would have appointed, and included the numerous eminent figures of the state that naturally belonged thereon. Opposition to Mr. Machold as chairman easily found eminent spokesmen and Mr. Hughes consented to be a rival nominee, whereupon the little plot collapsed. Mr. Machold himself nominated Mr. Hughes and one of the legislative leaders, joining the acclaim said, "The thought that Mr. Hughes might be our chairman was beyond our dreams." Which, in a sense, was true.

As the commission numbered about sixty, an executive committee of fifteen committee-chairmen chosen by Mr. Hughes did practically all the work and held long eight-hour sessions on Saturday afternoons at the Bar Association in New York city. They worked without funds or staff, and there was no field work and no hearings. Their information was such as the committee chairmen could find time to pick up by informal personal contacts with public officials. It was curious to see how much ignorance of the state's mechanism the four ex-governors in the group could confess to, and one of the best laughs came when Mr. Hughes, after denouncing the uselessness of the board of embalming examiners, was informed that it was created during his own governorship. Except in a few spots, however, the task was not difficult and the method, while laborious, did work after a fashion.

PUBLIC WELFARE BOARDS GIVE MOST TROUBLE

The chief trouble-point was the handling of the numerous hospital boards, reformatory boards, park commissions and other unpaid groups of philanthropic volunteers most of which were rendering valuable and devoted service to the various state institutions. Appointed in rotation by the governor for long terms, these volunteers had run their institutions in entire independence, except that they had to permit inspection by a state board now and then and had to get their annual appropriation from the legislature. They were usually free of politics or partisan motives, intent on their own local work and on getting money for enlarging and improving it. They feared Albany as a source of politics and did not like to be brought under the supervision and control of a possibly political department head. This point was compromised. The department head was given power to appoint the superintendent of the institution with the consent of the local board. The superintendent must thus serve two masters, and the respective functions of the head of the department and the board are not defined. In practice it is probable that the department head will gradually grow at the expense of the boards which will eventually become in fact boards of visitors (their new name) instead of boards of managers (their old name). But there may be numerous struggles first.

LAYOUT IS LOGICAL

Otherwise the new layout is logical and straightforward and exceptionally free from any concessions to expediency that were not inherited with the amendment itself. Single department heads are created with salaries fixed uniformly at $12,000 although the positions vary rather widely in importance. Their terms run to the end of the governor's term and the governor can remove. The governor's salary is only $10,000 and his term is only two years, but a constitutional amendment to rectify both is in prospect. Department heads are given liberal powers to govern their departments with authority to consolidate and abolish offices.

The Commission used authority in the amendment to consolidate two of the departments mentioned therein. "Architecture" was combined with "the department of public works" and "military and naval affairs" was incorporated in the "executive" department. The legislation thus provides eighteen departments instead of the expected twenty.

The novel feature of the New York reorganization is the executive department. There is no such department in other state consolidations. Obviously the head of this should be the governor himself, but here was found a curious defect in the amendment which failed to except this from the requirement that its management must be vested in a head appointed by the governor with the consent of the senate. Such a head, the governor's secretary at $12,000, is therefore provided. The department has five divisions, budget, military and naval affairs, standards and purchase, inter-departmental relations and state police.

The secretary of state's department was the repository of things that did not seem to belong anywhere else and in addition to the usual duties of such officers acquired oversight of notaries, licenses of many sorts, the Board of Port Wardens, horse racing and prize fighting.

The department of public works is a big one with charge of canals, highways, public works, engineering and the state architect. The state architect carries with him into this department the bureau of housing and regional planning and the bureau of fine arts.

Several departments, public service, labor and taxation and finance, have commissions of three or five at their heads, but in each case a departmental executive chairman is provided and the other commission members are restricted to their quasi-judicial functions.

The amendment itself broke up the old organization for budget making, the so-called board of estimate, and a proposal for a clear-cut executive budget system was recommended by the commission to buttress its provision for a budget bureau in the governor's department. In similar fashion the amendment made impossible the continuance of other independent inter-departmental, ex-officio boards of the past and excluded legislative members as well as the comptroller from administrative functions altogether.

An interesting array of legal decisions will doubtless develop over the meaning of the new constitutional word "head" of a department. The neck and nervous system that connects the head to some of the departmental activities, particularly volunteer boards, is rather tenuous. Is the commissioner of conservation sufficiently the "head" of the council of parks, for example, when he merely sits as its chairman and can be outvoted on important policies by men who were separately appointed by the governor?

The governor will make direct appointments of unpaid boards in many departments wthout necessarily consulting the department head. It was the Hughes Commission's feeling that such boards preferred to receive their appointments directly from the governor as a matter of dignity, and the federal practice whereby the president makes many appointments under the cabinet secretaries was cited in support of this illogical arrangement. It was not applied to single paid officers, however.

MINOR ELECTIVE OFFICES SUCCESSFULLY DISPOSED OF

To sum up, New York has done a good job going beyond other states, Tennessee excepted, in getting most of the minor elective offices into the new appointive system. The concessions from logical perfection to local expediency can be counted on the fingers—the leaving of the attorney general elective, retaining the council as head of the department of farms and markets, retaining partial and undefined authority in the boards of visitors of institutions, retaining some unpaid commissions and boards that might have been consolidated. Such concessions were to honestly held opinion or old and honored traditions. Devoted men and women, the finest in the state, who have served many years without pay on separate little islands of power, operating hospitals, parks or reformatories, await now with natural fears the long reach of administrative fingers from far-away political Albany. They should, however, find that they have a friend at court in their department head and that they can secure attention at Albany where formerly there was none. Or if to protect their cherished institutions they have to improve Albany, the whole state will benefit.

[NOTE.—The New York reorganization is not embodied in a single law or administrative code but is scattered among about thirty amendments to various existing laws. When the bills are given their final number for the sessions laws, the list will be published in the REVIEW (July issue). ED.]

HOW CITIES CAN CONTROL THE SMOKE NUISANCE

BY H. B. MELLER[1]

Chief Bureau of Smoke Regulation, Pittsburgh

If you knew Pittsburgh fifteen years ago and have visited it lately you have discovered that they are solving the smoke problem. Mr. Meller says that smoke emission, regulated by law, has decreased 80 per cent in this period. Now is the time for cities to get busy on smoke prevention for next winter. :: :: :: :: :: :: :: ::

THE suppression of dense smoke, which results from incomplete combustion of fuel, has been a matter of interest for more than a century. It was not until comparatively a few years ago, however, that systematic efforts were made in a few—too few—of our cities to control the evil. In 1912–13 the Mellon Institute of Industrial Research made a survey of Pittsburgh, which resulted in an anti-smoke ordinance being passed in that city *and enforced*. A number of other American cities have passed, some before and some since that time, ordinances similar in a general way, but those that have been continuously and effectively in operation since their passage probably could be numbered on the fingers of one hand.

Every winter the interest quickens, partly because of the large addition to the smoke cloud due to emanations from the chimneys of private houses, and partly, perhaps, because it is during the wintertime that the average committee is more active. Every winter, then, committees from all kinds of civic organizations and from many cities (often the same cities year after year, and often cities having an ineffectual anti-smoke ordinance on their books), will inquire "what can we do to be clean"; but by the time a real program can be mapped out, along comes spring, the heating boilers are shut down for the season, and committee members begin to think of their summer vacations. Sporadic efforts of this kind never have and never will produce results. In a few cases the interested ones have held on until they secured the passage of a new ordinance or the amendment of one already in existence but thought to be inadequate. During the recent anthracite strike, the substitution of other fuels for anthracite in furnaces not designed to burn such substitutes, caused eastern cities like New York and Boston to realize what a smoke nuisance may be and to look for a remedy. However, most of the interest in the matter seems to have died since the resumption of work in the anthracite mines.

THERE IS A REMEDY

There is a remedy for the community which is annoyed (to put it mildly) with dense smoke. It is "A reasonable anti-smoke ordinance, properly enforced." The experience of cities like Pittsburgh, Chicago, Cincinnati and others in the "soft coal" area has shown that the relief from a situation which approaches the unbearable is in direct proportion to (a) the fairness and reasonableness of the anti-smoke ordinance; (b) freedom from the harmful influence of politics in its enforcement; (c) the technical training and experience of the officer in charge of enforcement and his ability to secure the *active* co-operation of plant owners and operators whose fuel-burning equipment comes under his supervision; and (d) the facilities given the enforcement officer in the way of a fair budget and properly trained assistants. Let us analyze these four requirements:

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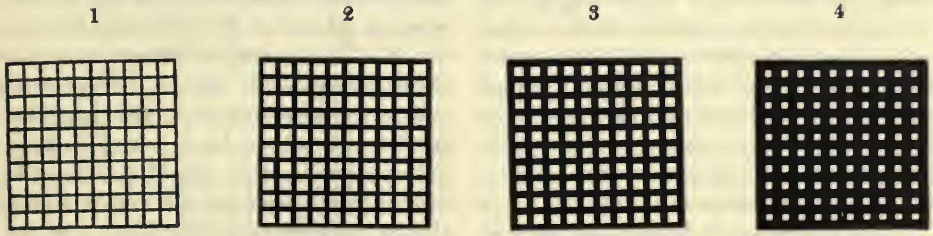
Ringlemann Smoke Chart



Instructions for Use of Ringlemann Chart

Place the above chart sufficient distance from the eye to cause the lines to merge similar to appearance of smoke. Compare with the density of the smoke under observation. Ordinances usually provide penalties for the production or emission of smoke equal to, or of greater density than, scale number three (3) of the Ringlemann Chart. The lines of the chart will merge at from fifteen to twenty feet from the eye.

A FAIR AND REASONABLE ANTI-SMOKE ORDINANCE

Local conditions may make advisable minor differences, but in the main all cities are alike in their needs. So there should be three principal sections in the ordinance:

(1) *Prohibition.* Dense smoke, *i.e.*, smoke exceeding a certain density, emitted for more than a limited period, should be prohibited. The density usually is stated in terms of the Ringlemann chart devised by the United States bureau of mines, and the line drawn at no. 3 (60 per cent black). This means that anything less than 60 per cent black is permissible, as well as a limited volume of that or greater density. It may seem that the allowance is excessive, but experience has proven that, considering the present state of development of the art of fuel burning, it is about right. Where the higher volatile fuels are burned, a closer limit than this would result in an inability to enforce the ordinance. And one of the points about which care should be exercised is not to have in the ordinance any provision which cannot be enforced. The limit of time for permissible 60 per cent black smoke varies somewhat. In Pittsburgh and some other cities it is "less than two minutes in any period of fifteen minutes" for stacks of stationary boilers and "less than one minute in any period of eight minutes" for locomotives and

steamboats. In some cities up to six or eight minutes in an hour is allowed. In my opinion, the provision of the Pittsburgh ordinance is better, because, first, an inspector can cover more ground and observe more stacks, thus returning more for the salary paid him, and second, a great many plants would be subject to correction under the Pittsburgh ordinance that perhaps would not be violators under the longer allowable period.

Some cities (including Pittsburgh) exempt private dwellings and the smaller flats or apartment houses. Such an exemption is all right for cities where the domestic fuel is gas, but all wrong where solid fuel, especially bituminous coal, is used. For the amount of fuel burned, the domestic chimney is many times more offensive than the industrial plant. And there are very many more of them.

(2) *Permission to Install and to Use Fuel-Burning Equipment.* This is easily the most important section of the ordinance and requires experience and judgment for its proper enforcement.

Before a boiler, furnace, or fuel-burning apparatus of any kind may be installed, altered or repaired, the owner or operator should be required to submit an application, giving complete information as to the character, size, arrangement and proposed use of such apparatus and to secure a permit to install, alter or repair. All plans for new buildings should be submitted and checked for proper stack sizes before a building permit is issued.

With such provisions, it is possible to know that the equipment and arrangement are such that the designated fuel (usually bituminous coal in this section) can be used without the necessity of making excessive smoke.

(3) *Penalty.* A penalty should be prescribed for violation of any provision of the ordinance. While such a section is necessary, it will be found that it need not often be used. In case of ordinary violations, investigation will indicate the remedies necessary and the average operator found perfectly willing to apply them.

FREEDOM FROM HARMFUL INFLUENCE OF POLITICS

This would seem so evidently necessary that comment scarcely is needed. Of course, if an enforcement officer is to be told what he may or may not do, or that anyone is to be excused from compliance with the law, it will be impossible properly to enforce the ordinance. It was not, however, this type of interference I had in mind, but rather the case where a violator may get friends, whom he believes to have influence with the administration, to endeavor to persuade the enforcement officer to be extra-lenient.

TRAINING AND EXPERIENCE OF ENFORCEMENT OFFICER

The person entrusted with the enforcement of the ordinance should be a technically trained engineer, experienced in the work of smoke abatement. He should also, it goes without saying, possess judgment and tact, as it is just as easy, in a critical case, to antagonize a plant owner as it is to secure his coöperation. The right man is not too easy to find, nor will he be attracted by the salary usually offered. But a proper administration will return good dividends in the way of cleaner air and better health for the community.

FACILITIES FOR ENFORCEMENT

I know of no city that has an adequate force of smoke inspectors. Of course, with so many calls upon it for money, a city council must apportion the available funds as it thinks best, and the prevailing opinion as to the character of work which a smoke inspector is expected to do is largely responsible for the comparatively small amounts we find assigned to smoke abatement. No city has done anywhere near what is possible in the cleaning-up process, and no city will until there is much closer supervision of the stacks—which means enough inspectors.

Given a fair ordinance and proper facilities for enforcing its provisions, there is not a city, large or small, where the smoke nuisance cannot be abated. What the exact figures for other cities may be I do not know, but a survey by the Mellon Institute of Industrial Research, made in 1923–24, indicated that in Pittsburgh, smoke prohibited by law had decreased approximately 80 per cent since 1912–13, when the first survey was made. And this was done without, so far as we know, driving a single industry out of the city. And as a rule it resulted in a material saving in the cost for fuel.

WHY HAVE SO MANY CITIES FAILED TO ACT?

But, if the problem seems comparatively simple in solution, why have so many cities failed to pass anti-smoke ordinances; and why, in some cities having such ordinances, has there been either a complete or partial failure to secure results?

I have visited many cities in the interest of smoke abatement, usually at the invitation of the chamber of commerce, a civic club or a group of engineers, and have found always that the group was in earnest, but usually was looking for a simple prescription which would, overnight almost, miraculously wipe out the black clouds of smoke which were marring their beautiful city. When I would tell them that there was a prescription, but by no means as simple as they thought, and give the ingredients: (1) a reasonable ordinance; (2) a qualified officer with enough assistance; (3) active interest of the manufacturers and interested contractors and engineers, and (4) interest of the politicians in the proper enforcement of the ordinance, often the enthusiasm waned. Recently, in reply to a direct question as to my opinion as to what would be the cost of cleaning up a city which has had an ordinance for the past ten years, I mentioned $50,000 and a year's time in this particular case as necessary to institute a workable program, to make a survey of every industrial plant in the city to determine where and what changes should be made, and to provide methods of abating the smoke from private dwellings as well as public and semi-public buildings during the heating season. I was told that council never would appropriate such a sum. Of course it would not, unless it were shown that the public wanted it and that it would save to the citizens many times the amount needed.

A couple of years ago, I was asked to visit a city in the middle west, a city where there was considerable agitation against smoke. The newspapers conducted a splendid campaign, members of the chamber of commerce were active and they intended doing something. At a public meeting in the evening there were present the lieutenant-governor of the state, the mayor of the city and his cabinet, members of council, professional and business men. There was a great deal of enthusiasm, but apparently a *desire* rather than a *determination* to do the necessary things. I told the audience what I thought they should do, and what I thought they would do, which was not what they said they intended to do. In about a year I received a request from the chairman of another committee for a copy of the Pittsburgh ordinance and such other information as it was usual to send in reply to inquiries of this character. Apparently the first group had allowed the interest to die and another was attempting to resurrect it.

In many cases, committees have done excellent work collecting data and formulating plans. Sometimes ordinances have been passed and enforcement officers appointed; sometimes they got only part way with it; sometimes there have been so many public hearings and other delays that the proposed ordinance died in committee—of old age. In any event, it is the exception rather than the rule that the public agitation is followed by the passage and successful enforcement of a real anti-smoke ordinance.

BENEFITS MUST BE UNDERSTOOD

And why? Because of a lack of general understanding of the benefits to be derived. There are two groups that must be educated to the advantages of smoke abatement before anything real can be accomplished; they are the business men of the city and the legislative and administrative branches of the city government. As I talk with business men who are not accustomed to working under an ordinance such as we have in a few—very few—cities, there seems to be in their minds an uncertainty as to what it might mean to them individually. They feel that if a regulating ordinance is passed, they may be required to spend considerable money in altering or replacing equipment which, to them, seems quite satisfactory. Consequently, the average plant owner is reluctant to change from the known to what is to him the untried. Such an attitude is not warranted by the facts. A reasonable ordinance, intelligently enforced, while requiring that all new fuel-burning equipment be such as can be operated within the prescribed limits, will not insist upon wholesale alterations, involving expense without return. Such changes in old plants as will mean improvement at little cost are to be expected, and usually show a saving in fuel. As a matter of fact, the change from a poorly set, smoky furnace, to one which will meet the requirements of a fair ordinance, means an average saving of somewhere near 20 per cent in the fuel bill—not to speak of the saving effected through the elimination of the polluting clouds of dense smoke.

As to city councils, they will pass an ordinance when they think most of the people want it.

WHY A GOOD ORDINANCE MAY BRING POOR RESULTS

It sometimes happens that, with an ordinance in effect, the anticipated improvement in conditions is not shown. This probably is due to one or more of the following reasons:

The ordinance may not have the support of the right groups, viz., the plant owners, architects, engineers, contractors, etc.—those best qualified to know if its provisions are fair and its enforcement just.

The enforcement officer may not be the man for the job. Consider that the boilers and furnaces in a large city represent a value of many millions of dollars; that the difference between proper and improper equipment (from the standpoint of efficiency in combustion) means comparatively little in first cost, but considerable in economy of operation, as well as in air pollution and its resultant evils; that the average citizen does not want maliciously to pollute the air, and that he does want to get the greatest return he can for the money he spends for equipment and fuel. Can rules be made or constructive criticism, suggestion or advice given by one not thoroughly experienced in combustion? Most anti-smoke ordinances prescribe that the one in charge of enforcement shall be a technically trained engineer. That is good as far as it goes; but the engineer should have had training in combustion—and by that I mean not only that he should know the theory, but the practical side of smoke prevention; otherwise such advice as he may give may have little real value (for he is the citizens' consulting engineer, as well as a court in cases of differences of opinion as to whether or not a plant, existing or proposed, is of a proper type), and he will be constrained to hide behind a code of rules the value of which varies with every advance in the art of combustion.

He must, as has been said, possess judgment and tact, because it will be his duty to meet and convince all classes of owners, from the one having a small heating boiler and knowing little about the burning of fuel—knowing only that he has been asked to correct a condition which he does not believe harmful—to the head of a large corporation, having at his call a staff of trained engineers to advise him whether or not the suggestions or requests made are fair, and necessary in the interest of smoke abatement. So the person appointed to enforce the ordinance may be an engineer, but unless he has had actual experience in smoke abatement, he must learn it before he can expect to meet the demands that will be made upon him. A corporation employs a lawyer, not only because he is a lawyer, but because he is a specialist in corporation law. The analogy ends here, however, because the corporation is willing to pay adequately for the services of the specialist it needs—the municipality is not.

Another reason for failure is inadequacy of support:

(a) On the part of the city. As I have said, I know of no large city that has a sufficient number of inspectors. Under present conditions, if an inspector can get over every part of his territory once a week, he is doing fairly well. Obviously, if a small force can do much to benefit the condition, a larger one, within reason, of course, could be expected to do much more. Then, too, there are cities in which the officer in charge of smoke abatement is also the building inspector, the boiler inspector or something else.

(b) On the part of the public. Perhaps enough has been said about this. Let me add, however, that in most cases with which I am familiar, the groups interested in smoke abatement do not act concertedly, so that much of their effort is dissipated.

A PRACTICAL PROGRAM

Having said that dense smoke in the volumes objected to is unnecessary; that smoke abatement is practicable and returns a good rate of interest; that some cities have been successful in minimizing this phase of air pollution, but that no city has done nearly as much as could or should be done, it remains to offer a practical program for the community having a smoke nuisance, or, if not having it now, desiring to prevent its possibility. This program, covering what experience has taught is essential, is:

(1) Pass a reasonable ordinance. Include nothing that cannot be enforced consistently.

(2) Secure an engineer experienced in smoke abatement to start the work, even if later a change is made. He can train the man intended to be the permanent incumbent.

(3) Provide for sufficient assistance.

(4) Make a complete survey of the plants in the city. The data obtained will be sufficient to allow proper recommendations to be made in each case where correction is necessary. While often the correction will involve some expense, there will be many cases in which it will be necessary only to make a change in fuel or in the method of firing.

(5) Of course, all new work and all repairs and alterations will be regulated.

In ordinary cases, the survey can be completed in about six months, depending, of course, upon the facilities afforded the engineer. The result will be that the city will know just what should be done to existing plants and each owner will know what he ought to do to operate within the new law. A survey of this character will save much time and later friction, as it will give results in a year that normally would require ten years to secure.

Smoke abatement is an established fact. Where it has failed completely or partially, it is because it has not been properly planned or carried out.

RISING COST OF STATE GOVERNMENT

POPULAR THEORIES VERSUS FISCAL FACTS

BY CLARENCE HEER

The popular theory that state governments are indulging in orgies of spending does not square with the facts. The author here analyzes New York state expenditures from 1917 to 1923. He reduces the 1923 expenditures to the price level of 1917 and finds that 44 per cent of the increase is due to higher prices of services and materials which the state buys; 13 per cent is due to substitution of pay-as-you-go for borrowings; 23 per cent to unusual conditions over which the legislature had no control; only 20 per cent can be called optional, but even this portion went for purposes which no one can reasonably question. :: ::

FOR five years and more the country has been lectured and sermonized on the dire effects of high taxation and on the urgent need of reducing the volume of governmental expenditure. In these homilies the federal government under its present administration has been held forth as a bright and shining example. Since 1920 the ordinary expenditures of the national government have been practically cut in half. It is true that most of this reduction is properly attributable to the cessation of certain war-time activities, but a consideration such as this should not of course be allowed to detract from the wholesomeness of the example.

In view of the heroic efforts expended it is disheartening to observe that the campaign to reduce public expenditure has, up to the present at least, not met with the conspicuous degree of success which such a worthy enterprise would seem to deserve. In spite of newspaper editorials, radio talks and luncheon speakers, in spite also of the undeniable reduction in federal expenditure, the total cost of government in the United States has not been appreciably diminished. In fact, an estimate recently published by the National Industrial Conference Board indicates that the total volume of public expenditure, federal, state and local, was some 3 per cent greater in 1924 than in 1920 when the economy campaign may be said to have commenced officially.

Full blame for this regrettable outcome must be placed at the doors of state and local governmental authorities. If the salutary example of the federal government has influenced these authorities at all, it has apparently been merely for the purpose of pointing out more clearly the diametrically opposite course. Thus, during a period of generally falling prices, with economy and efficiency the watchwords in private business and with a "back to normalcy" movement in full swing, state and local governmental expenditures have advanced at a rate appropriate only to the days of the war.

ED. NOTE.—This article is a synopsis of a monograph soon to be published by the National Institute of Public Administration, New York.

Anyone further interested in changing governmental costs is referred to the supplement to the March REVIEW by William C. Beyer, entitled "Municipal Salaries Under the Changing Price Level."

According to the estimates of the research organization previously cited, the aggregate spendings of states and their subordinate political units were nearly three and one-fifth times as great in 1924 as they were in 1913. Figures compiled by the United States bureau of the census show that most of this increase occurred after and not before the close of the World War. Between 1919 and 1922, state expenditures exactly doubled and the governmental cost payments of 146 selected municipalities expanded by some 78 per cent. During this same three-year period wholesale commodity prices registered a decline of 28 per cent, the cost of living dropped 11 per cent and the ordinary expenditures of the national government were reduced by more than 80 per cent.

THE CHARGE OF EXTRAVAGANCE

The steadily mounting costs of states and municipalities bid fair to rob federal tax reduction of its intended beneficent results. It is only natural, therefore, that the conduct of these governments should have lately become the object of considerable attention and comment on the part of those who have the economic welfare of the nation at heart.

According to a point of view which finds frequent if not always temperate expression, the recent growth of state and local expenditure is due in the main to governmental waste and inefficiency. All governments, it is said, are from their very nature peculiarly prone to unwise expenditure and extravagance. In normal times these proclivities are somewhat inhibited by the necessity of maintaining the good will of a tax-paying electorate. During the recent war, however, all erstwhile inhibitions were broken down. The public became accustomed to the idea of governmental disbursements on a hitherto undreamed of scale and a new standard of expenditure was set up. State and municipal governments, so the argument runs, although they bore no share of the cost of the war, were nevertheless affected by the general war-time psychology and embarked on a reckless orgy of spending, the results of which are just coming to light.

As to the specific forms of extravagance of which state and local governments are accused, it is possible to mention only some of the more frequently iterated. It is said, for instance, that there have been large and unwarranted increases in the number of civil employees and that we are rapidly developing into a nation of bureaucrats.

Tax-free state and municipal bonds are made to bear a considerable share of blame. It is asserted that the extreme facility with which these bonds can be marketed by virtue of their tax exemption feature has acted as a constant incentive to extravagance. Public officials have not exerted themselves to keep current expenses from exceeding current revenues, since they have known that any deficits which might develop could be readily funded.

States and municipalities are further charged with embarking on ambitious construction projects, both untimely and ill conceived. Most of this construction, it is said, has been financed by means of tax-free bonds and the result is that the country is now saddled with interest and amortization charges on a vast accumulation of uneconomic debt.

Another factor which is frequently blamed for the recent increase in public expenditure is the alleged multiplication of the regulatory activities of the state. The rapid growth of these activities, it is claimed, has not only increased the burden of taxation but has at the same time hampered and interfered with the free conduct of industry, thus threatening the source of taxation itself.

The theories just described are widely held and find support in authoritative places. They are especially dear to those whose economic philosophy is somewhat tinged with an anti-government bias. Obviously, the conclusion to which they point is that governmental activities should be curtailed or at least kept from expanding further. It is, therefore, of some importance to inquire whether the theories in question will stand the test of ascertainable fiscal facts.

GENERAL INDEX NUMBERS OF PRICES NOT APPLICABLE TO GOVERNMENT

The writer recently had occasion to make a detailed analysis of the post-war expansion in the expenditures of the state of New York. The results of this analysis, while not necessarily typical, nevertheless furnish an interesting objective test of the validity of the views which have just been set forth. Between the fiscal years 1917 and 1923, New York state's ordinary general budget expenditures, that is the expenditures which are met by current taxation, grew from $61,000,000 to $132,000,000 per annum. In other words, the cost of government increased by $71,000,000 or 118 per cent within the short space of six years. It was this increase which was subjected to investigation.

It is obvious that comparisons of governmental expenditure as between different periods of time can have little meaning unless due allowance is made for changes in the purchasing power of the dollar. The years which witnessed the recent sharp rise of governmental costs were characterized by a violent fluctuation of prices. Public expenditures were not exempt from the effects of this disturbance. *It is not proper to assume, however, that the prices paid by governments for the commodities and services required in the performance of their functions followed the same course as any of the general purpose index numbers commonly used to measure changes in purchasing power.* As is well known, monetary inflation affected individual prices in a very unequal manner. Moreover, governmental disbursements are for highly specialized purposes, salaries and wages representing their most important single element.

The analysis of the increase in the expenditures of New York state was accordingly based on a preliminary investigation of changes in prices and salary ratings applicable to the specific kinds of commodities which the state purchased and to the specific kinds of personal service rendered by state employees. An estimate was also made of the indirect effects of price inflation on such items of expenditure as interest and amortization charges and state subventions to local political units.

The data thus developed made it possible to equate all of the state's 1923 expenditures to terms of the 1917 price and salary level. It also became possible to differentiate between real elements of growth and merely nominal elements which were the result of price inflation.

Real items of increase were next subjected to various tests to determine whether or not they could be considered legitimate. The real increase in the operating costs of state prisons, hospitals and charitable institutions was compared with the increase in the number of inmates to be maintained. The real increase in expenditures for education was measured against the growth of school population and the need for new school facilities arising out of the deficiency created by the war. The real growth of highway maintenance costs was considered in connection with such significant factors as the number of miles of highway to be maintained, the volume of highway traffic and the number of miles of highway which had reached or were approaching the end of their economic life. In short, wherever it was possible to do so, increases in expenditure were matched against quantitative measures of performance or need. Elements of increase which could not be accounted for on the above basis were further investigated for the purpose of determining whether they represented the cost of new state services, qualitative improvements in pre-existing services, or waste and inefficiency.

POPULAR EXPLANATIONS OF INCREASED TAXES MISTAKEN

The results of the investigation revealed the essential absurdity as regards New York state at least of most of the popular explanations of the late expansion of governmental costs. It was not necessary to fall back on the hypothesis of waste and extravagance to account for the doubling of the state's budget between 1917 and 1923. As a matter of fact with all expenditures equated to dollars of uniform value, it became apparent that in certain respects the state government had gained in efficiency. Thus in terms of 1917 purchasing power, printing costs had been reduced by approximately 55 per cent. Traveling allowances for state officers and employees also showed a substantial reduction. In general, however, the field for economies such as these was rather limited.

There appeared to be no indication that the state's expenses had been swollen by unwarranted increases in the number of state employees. On the contrary, during most of the period under review it was difficult to maintain an adequate personnel owing to the great disparity between salaries paid by the state and those prevailing in private business. The average increase in the salaries of state employees as between 1915 and 1923 was only 41 per cent. During the same period salaries of office workers in privately owned factories within the state increased 63 per cent, the average earnings of factory wage workers increased 112 per cent, while the cost of living registered a rise of 64 per cent.

The investigation indicated clearly that over-ambitious building and construction programs had not been a factor in bringing about the increase in costs. A measure of the actual physical volume of construction over a period of fifteen years was obtained by reducing all capital expenditures to a common price level. Considering projects financed through the sale of bonds as well as those paid for by current taxation, it developed that the total volume of construction applicable to 1923 was 25 per cent less than that of 1917 and 70 per cent less than that of 1914. Moreover in no year subsequent to 1917 had the annual volume of construction ever equalled or exceeded that of any of the eight years from 1909 to 1916.

It was further shown beyond the possibility of doubt that the post-war rise in the cost of government in New York state was in no way connected with the too liberal issuance of tax-free bonds. During the entire six-year period under review, the state sold only $32,000,000 of bonds which represented less than a quarter of the amount sold during the four years from 1914 to 1917. A progressive decline in the proportion of capital outlays financed from bond proceeds was apparent. Indeed one of the most important reasons for the increase in the state's ordinary budget expenditures as between 1917 and 1923 was the fact that the state paid for 73 per cent of its construction projects out of tax revenues in 1923, whereas in 1917 only 12 per cent were financed in that manner.

Finally there appeared to be no reasonable basis for attaching peculiar significance to the expansion of the state's regulatory activities. The cost of these activities in 1923 amounted to less than 4 per cent of the total cost of government for that year. Moreover, regulatory activities absorbed a smaller proportion of the taxpayer's dollar in 1923 than was the case in 1917.

THE REAL CAUSES OF INCREASED EXPENDITURES

What, then, were the real reasons for the extraordinary growth in New York state's expenditure as between 1917 and 1923? The most important single factor was price inflation. Owing to the advance of wages and price of commodities which the state buys, the state tax dollar was worth only 65 cents in 1923 in terms of its pre-war value. In comparison with its value in 1917, the 1923 tax dollar was worth no more than 76 cents. On the basis of an estimate which, if anything, is too conservative, it may safely be said that 44 per cent of the total increase between 1917 and 1923 in the cost of running the state government was due to price inflation.

Another important factor was the more extensive reliance placed upon current revenues for the financing of capital outlays. About 13 per cent of the total increase under investigation may be imputed to this shift from a credit to a pay-as-you-go basis in the matter of paying for public improvements.

The increases attributable respectively to price inflation and the pay-as-you-go policy of financing capital outlays may be described as purely nominal since they did not involve any real increase in the commodities and services which the state consumed. It is significant that these nominal elements account for nearly three-fifths of the total increase under consideration.

Approximately another fifth of the total comprises what may be described as compulsory additions to the state's costs since they were imposed by developments and conditions over which the state had no control. During the period under review, the population of the state increased by 8 per cent. There was a growth of 20 per cent in average school attendance and the inmate population of state prisons, hospitals and charitable institutions increased by 10 per cent. The number of motor vehicles using the state highways approximately tripled and there was a substantial increase in the mileage of roads which had reached or were approaching their limit of economic life. An abnormal situation existed as a result of the war. Sick and disabled veterans were not adequately provided for by the federal government and the state had to come to their aid. Moreover, there had been a partial suspension of construction and maintenance activities during some of the war years and the resulting deficiencies had to be made up. Finally new revenues were required to meet the rapid rise of expenditures and the collection of these revenues entailed additional expense.

The developments enumerated above called for a higher level of expenditure which the state could not have avoided without lowering its standards of service. It is difficult to estimate the aggregate amount of compulsory increases since they are not always separable from increases in respect of which the state might have exercised some option. Nevertheless it is probably conservative to say that they account for about 23 per cent of the total growth of expenditure between 1917 and 1923. Nearly two-thirds of the aggregate increase classified as compulsory applies to state aid in support of local education and represents the state's share of the additional cost entailed by the growth of school attendance and the necessity of making up for the falling off in school construction during the war.

ONLY ONE-FIFTH OF ADVANCES OPTIONAL

Four-fifths of the total advance in New York state's expenditure has now been reviewed. The final fifth comprises the cost of new state services and qualitative improvements in pre-existing services. Since this is the only portion of the increase in respect of which the state legislature might have exercised some option, it is important to know the purposes toward which it was applied. Somewhat less than half of it represents the estimated share assumed by the state in the cost of a more expensive kind of public school education. The remainder is accounted for by improvements in the highway and canal systems, the cost of a campaign to eradicate bovine tuberculosis, in order to insure a pure milk supply, and the organization of a state constabulary.

Measured in terms of 1917 dollars, the total optional additions to the state's budget as between 1917 and 1923 amount to less than $15,000,000. It is estimated that the aggregate private income of the inhabitants of the state increased by over $700,000,000 during the same period, this increase being also measured in 1917 dollars. In view of this fact, and in view also of the purposes toward which the optional increases were applied, it can scarcely be contended that they were extravagant.

ABSENT VOTING

WITH PARTICULAR REFERENCE TO OHIO'S EXPERIENCE

BY JAMES K. POLLOCK, JR.

What people use the absent voting privilege, and to what extent? Is the idea a success and can it be broadened? : : : : :

In the last few years great efforts have been made to increase the number of voters. Interesting studies have also been made recently to ascertain, if possible, why so many qualified voters abstain from voting. These studies have indicated that a number of persons do not vote because they are absent from their voting precincts on election day. But prior to the collection of these data, many state legislatures had realized that large numbers of qualified voters were on this account denied the right to vote. Realizing the unfairness of depriving this class of voters of its right of suffrage, these legislatures proceeded to enact laws known as absent voting laws which permit the absent elector to cast a ballot even though he is away from his voting precinct. Beginning with the year 1913, a strong movement for absent voting legislation swept the country resulting in placing on the statute books of forty-four of the forty-eight states, laws providing in different ways for voting in absentia.

At the present time (1926) there are only four states which are without absentee voting laws,[1] although three other states have laws which grant the absentee voting privilege to military men only.[2] Twenty-six states now permit qualified voters temporarily absent from their voting precincts, whether within or without the state, to vote at both primary and general elections.[3] In one state, West Virginia, the law requires the voter to be outside the state before he can vote an absent voter's ballot at either primary or general elections. In seven states absent voting is permitted at general elections only,[4] and again in eight states voters who are absent from their home precincts but who are not outside the state are permitted to vote absent voter's ballots.[5]

It is thus seen that the principle of absent voting is in wide practice, but like many other accepted principles of government we have had very little evdence of the practical results of its operation. Just as in the case of non-voting, one cannot generalize satisfactorily without the necessary statistical information. Fortunately figures of absent voting are obtainable which supply the necessary information, but thus far no state-wide survey has been made to ascertain the significance of the absent vote. Only a few isolated figures have appeared and these could not adequately measure the importance of this type of voting. The present study, although limited to one state, is of broad enough scope to be of value, even though it merely suggests similar surveys in other states.

OHIO STUDIED INTENSIVELY

For the purpose of this study, the state of Ohio has been used. The absent voting law of Ohio is similar to the laws in a majority of the states and therefore can be said to be typical. Ohio, like most of the states having absent voting laws, follows the plan by which the elector may secure his ballot from some local election official prior to election day. He may do so in person or through the mail. In addition, Ohio, being a doubtful state politically, and one of the best states in the percentage of votes cast to population, is favorable ground for such a survey. The voters of Ohio would thus be as likely to use their absent voting law as successfully as the voters in any other state.

The Ohio law provides that "it shall be lawful for any qualified elector who finds that he will be unavoidably absent from his home precinct on the day of any general, special or primary election to apply to the clerk of the board of deputy state supervisors of elections of his home county in writing or in person, not earlier than 30 days and not later than three days prior to election day . . . for an absent voter's ballot. After the clerk has satisfied himself that the applicant is a qualified voter . . . he shall deliver to such voter . . . one of the absent voter's ballots provided for such election, together with an identification envelope and a return envelope." The voter then takes the ballot to a notary public and displays it as evidence that the same is unmarked, and in his presence but in such manner that the notary cannot see how he votes, he marks the ballot and encloses and seals it in the identification envelope. The voter then executes the affidavit printed on the face of the identification envelope, places it in the mailing envelope and sends it by registered mail to the board of elections of the home county of the voter. The ballot must be received by the county board in time to be delivered to the appropriate precinct to be counted on election day by the regularly constituted precinct officers. The absent voter's name is written on the pollng lists and checked on the registration lists and the ballot deposited in the box exactly as if the elector had voted in person. It is possible for the elector to mark his ballot at the office of the election board as well as in the presence of a notary. Any voter expecting to be absent on election day can thus, by appearing in person before the county board, vote before he leaves and does not need to have the ballot sent to him. There is no provision for sick electors.

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[1] Connecticut, Kentucky, Pennsylvania, and South Carolina.

[2] Maryland, New Hampshire, and Rhode Island.

[3] Alabama, Arizona, California, Georgia, Idaho, Illinois, Indiana, Iowa, Maine, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, North Carolina, North Dakota, Ohio, Oregon, South Dakota, Tennessee, Vermont, Virginia, Washington, Wisconsin, and Wyoming.

[4] Delaware, Kansas, Massachusetts, New Jersey, New York, Texas, and Utah.

[5] Arkansas, Colorado, Florida, Kansas, Louisiana, Missouri, New Mexico, and Oklahoma.

The law was enacted in 1917 and has been used in four state-wide elections in a period of eight years. This seems to be a reasonable time in which to test its workings and to judge of its usefulness. This survey was conducted partly by means of personal investigation and partly by means of questionnaires.[6] There are eighty-eight counties in the state of Ohio, and in order to make a complete survey it was necessary to get in touch with the eighty-eight different boards of election in the counties of the state. This turned out to be a task of enormous proportions and even with the assistance of the secretary of state, it was found impossible to get the necessary information from seven of the counties. Fortunately these seven counties happen to be quite unimportant.

THE FIGURES EXPLAINED

This study is based upon the figures for three general elections and three primary elections, viz., those of 1920, 1922 and 1924. The figures for the primary and election of 1918 are not given even though the law went into effect prior to the elections of that year. This omission is due to the fact that most of the records of 1918 have been destroyed, and to the second fact that the absent votes cast that year were largely soldier votes. Also, between the elections of 1918 and those of 1920, the nineteenth amendment to the federal constitution became effective and had the result of nearly doubling the electorate of the state. Hence nothing can be gained from the use of the few figures of 1918 that are available.

It was impossible to secure returns from all counties. In many the figures for previous elections had been destroyed or misplaced. In a few counties it was even found that records had not been kept. Nevertheless sufficient figures are available to make a very representative showing. To be exact, the figures given in Table I for the general election of 1920 come from 82 per cent of the counties of the state, counties which represent 83 per cent of the total vote of the state in that election; the figures for the general election of 1922 come from 85 per cent of the counties of the state, counties which represent 85 per cent of the total vote of the state in that election; the figures for the general election of 1924 come from 92 per cent of the counties of the state, counties which represent 96 per cent of the total vote of the state in that election.

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[6] I am greatly indebted to Mr. Richard L. Garnett of Ohio State University for assistance in the collection and collation of the figures given in the tables. Without his valued help it would have been impossible to complete the survey, so difficult is it to collect the information from the numerous boards of election. I also appreciate the assistance given by Mr. Thad Brown, the secretary of state, in collecting the figures from several delinquent counties.

The figures for primary elections are not as complete for the state as a whole. However, the figures given in Table I for the August primary of 1920 come from 33 per cent of the counties of the state, counties which represent 30 per cent of the total vote of the state in that primary; the figures for the primary of 1922 come from 39 per cent of the counties of the state, counties which represent 40 per cent of the total vote of the state in that primary; and the figures for the August primary of 1924 come from 43 per cent of the counties of the state, counties which represent 43 per cent of the total vote of the state in that primary.

It seems quite clear that complete figures, if they could be obtained, would not substantially affect the results shown in the tables below. This is the case because the present figures are very representative of the state as a whole. They were obtained from all parts of the state, from rural counties as well as urban counties, and additions from more rural counties and from more urban counties would only serve to increase the totals without materially affecting the percentages. This was made evident as the figures were being collected. With only 20 counties reporting, the percentages were nearly the same as they were with 35 counties reporting. When 60 counties had reported the percentage of the absent vote to the total vote was not widely different from the percentage obtained from the returns from 35 counties. And finally when 81 counties had reported figures for the 1924 election, the percentage was almost the same as the percentage for 60 counties. Thus even though complete figures were not obtainable, it is possible accurately to measure the significance of the absent vote and to discover whether it is of increasing importance or whether the device is being gradually forgotten together with other progressive measures of two decades ago.

The following summary table shows the total number of votes cast, the number of absent votes cast, and the ratio of the latter to the former in those counties which reported the results of the primary and general elections of 1920, 1922 and 1924.

TABLE I

RECORD OF ABSENT VOTES CAST IN OHIO, 1920-1924

Year	Total Votes for Governor Reported in August Primaries	Absent Votes Reported in August Primaries	Percentage of Absent Votes to Total August Primaries	Total Votes for Governor Reported in November Elections	Absent Votes Reported in November Elections	Percentage of Absent Votes to Total in November Elections
1920	111,515[a]	1,040	.93	1,636,620[d]	14,766	.89
1922	2,86,713[b]	3,787	1.32	1,352,149[e]	14,363	1.05
1924	331,143[c]	5,118	1.54	1,893,779[f]	23,224	1.22

[a] Twenty-nine counties, casting 30% of state vote, reporting.

[b] Thirty-four counties, casting 40% of state vote, reporting.

[c] Thirty-eight counties, casting 43% of state vote, reporting.

[d] Seventy-two counties casting 83% of state vote, reporting.

[e] Seventy-five counties, casting 85% of state vote, reporting.

[f] Eighty-one counties, casting 96% of state vote, reporting.

DOES THE ABSENT VOTE AFFECT RESULTS?

No less than 23,224 absent voter's ballots were cast in Ohio in the general election of 1924. It is the almost universal opinion of election officials that 90 per cent of these votes would not have been cast if it had not been for the absent voting law. The absent voting law therefore tends to increase the percentage of the electorate which uses the franchise. Further, it is quite clear that the votes cast in absentia in Ohio have materially affected the. results of numerous election contests. There is no doubt but that the politicians in the rural districts realize this, and consequently make a drive among the persons likely to be absent from their voting precincts on election day. It is partly due to a realization of the importance of the absent vote that rural counties show a higher percentage of voters using the absent voter's ballots than the urban counties. Naturally a few votes are more likely to affect an election in a small rural county than in a large city.

Clerks of election boards have occasionally volunteered the information that the absent voting population furnishes a good indication of the interest in the approaching election. It is possible, therefore, that the size of the absent vote will give the politicians an excellent indication for last minute drives. The assumption behind these statements is that the type of voter using the absent voter's ballot is representative of all the voters and reacts in the same way in which the whole state can be expected to react.

Numerous cases have been uncovered in which the deciding factor in the election was the absent voting population. Several election officials have resented this condition of affairs as smacking of absentee landlordism. The vote of vacationists in Florida or California, they say, should not be permitted to decide election contests in Ohio.

WHAT TYPE OF PERSON USES ABSENT VOTER'S BALLOT

In order more fully to realize the character of the absent vote in Ohio, it is necessary to analyze the available figures. What type of person uses the absent voter's ballot? What proportion of the vote is cast by men, and what proportion by women? Is there greater use made of the privilege in the rural or in the urban centers? Are the ballots voted mostly in the county before the voter goes away, or are more ballots mailed back to the election board?

First, as to the type of voter who uses the absent voter's ballot. Generally speaking it is the better element in the community which takes advantage of this privilege. State and federal officials take advantage of the absent voting law as regularly as any other group and in quite as large numbers. In 1924 there was a noticeable increase in the number of students voting by mail. A considerable number of teachers vote by mail and many professional and business men. A smaller number of traveling men than might be expected avail themselves of the privilege. Foreign-born scarcely ever are found in the lists of those who have received absent voter's ballots. In the November election of 1924 in Cuyahoga county, the county in which Cleveland is located, out of the 363 women who voted that year by absent voter's ballot, 277 or 76 per cent lived in the best residential districts. In the same election in Mahoning county, the county in which Youngstown is located, a county with a very large foreign population, there was only one foreign-born voter who used the absent voting privilege. Not a single absent voter's ballot was used by the residents of East Youngstown, a village adjoining Youngstown where nearly the entire population is colored or foreign-born.

In 1920 in Franklin county, the county in which Columbus is located, only three naturalized citizens voted by absent ballots. One of these had resided in Ohio 61 years, another 30 years, and the other eight years. In the primaries, professional and office people on vacations use the privilege to a considerable extent. Even in the rural counties where there are fewer classes and a more homogeneous population, election officials indicate that it is the more intelligent voter who takes advantage of the opportunity afforded by the absent voting law. It seems quite clear, therefore, that absent voter's ballots represent a higher degree of intelligence than the general average of regular ballots voted at the polls on election day. Table II based on figures in Franklin county, where the board of elections had carefully prepared and preserved the records, indicates to a limited extent the type of persons who vote absent voter's ballots.

TABLE II

CLASSIFICATION OF ABSENT BALLOTS WITH RESPECT TO POINT OF ORIGIN, SUGGESTING TYPES OF PERSONS AVAILING THEMSELVES OF ABSENT VOTING PRIVILEGE

Election	Total Absent Vote	Ballots from Washington, D. C.	Ballots from Resorts	Ballots from Hospitals	Per Cent from Washington	Per Cent from Resorts	Per Cent from Hospitals
November, 1920	286	106	16	1	37.0	5.5	0.4
August, 1922	908	49	40	2	5.4	4.4	2.2
November, 1922	977	110	14	2	11.0	1.4	0.2
August, 1924	961	21	26	1	2.2	2.7	0.1
November, 1924	1,397	126	52	21	9.0	3.7	1.5
Total	4,519	412	148	27	9.0	3.3	0.6

RELATIVE VOTES OF MEN AND WOMEN

Second, what proportion of the vote is cast by men and what proportion by women? The percentage could not be secured in every county but from reports from more than one-third of the counties it appears that about 65 per cent of the absent vote is cast by men. In the rural counties generally, the percentage is slightly greater in favor of the men and in the urban counties slightly less. In Cuyahoga county in the 1924 general election, however, 75.3 per cent of the total absent vote was cast by men. Table III, using five counties in different parts

TABLE III

PERCENTAGE OF ABSENT VOTES CAST BY MALES

County	Primaries			Elections		
	1920	1922	1924	1920	1922	1924
Clark	100	60	62	61	73	72
Fayette	100	57	66	50	53	65
Franklin	*	75	76	63	77	76
Mahoning	100	61	61	65	66	66
Montgomery	100	73	75	66	73	78

* Not reported.

of the state, with predominantly urban population, indicates in a fairly representative manner the distribution of the absent vote according to sex.

MORE USED IN RURAL COUNTIES

Third, it is clear that the law is used to a greater extent in the rural than in the urban counties. It is not likely that there are more persons away from their home precincts on election day in the rural counties than in the urban counties, and hence one wonders why the percentage should be larger in the country districts than in the cities. But such is certainly the case. Possibly the fact that with fewer voters in the country district it is possible for the party workers to know more exactly just where the voters expect to be on election day, accounts in part for the greater industry used by the politicians in the rural counties. A careful canvasser, however, in either a country district or a city district should discover the persons who expect to be away from home on election day, and urge them to use the absent voting law. But whatever the reason, the figures clearly indicate that the percentage which the absent vote bears to the total vote increases almost in proportion to the decrease in the density of population.

TABLE IV

PERCENTAGE OF ABSENT VOTE TO TOTAL VOTE CAST

	Primaries			Elections		
	1920	1922	1924	1920	1922	1924
Counties 100% rural	.94	1.14	.98	1.38	1.67	2.03
Counties 75% to 99% rural	.76	1.39	1.42	1.33	1.34	1.82
Counties 50% to 74% rural	.87	1.09	1.82	1.16	1.33	1.70
Counties 25% to 49% rural	.85	1.52	1.41	1.04	1.09	1.26
Counties less than 25% rural	1.16	1.44	1.35	.51	.64	.77
Percentage for all counties reporting	.93	1.32	1.54	.89	1.05	1.22

MAJORITY OF ABSENT VOTERS VOTE BY MAIL

Finally, an analysis of the records in the different counties brings out the fact that between 55 and 60 per cent of the absent voters return their ballots by mail, the remainder receive and vote their ballots in person at the offices of the county boards of election. There is a considerable variation from county to county. In five of the most populous counties of the state (Cuyahoga, Franklin, Hamilton, Mahoning, Montgomery), only 44 per cent of the voters sent in their ballots by mail, while in five of the least populous counties (Clermont, Harrison, Monroe, Morrow, and Union), 77 per cent of the voters mailed their ballots to the boards of election. This indicates that in the urban centers voters are more likely to vote their absent voter's ballots before they leave their precincts, rather than have the ballots sent to them to be mailed back when properly marked. One fact which is noticeable in every county is that the early voters voted by mail, while most of the later voters, those voting during the last ten days before the election, voted their ballots in person at the offices of the boards of election. The following table showing five representative urban counties gives a good idea of the extent to which the absent voter's ballots are received and voted in person at the boards of election.

OPINIONS OF ELECTION OFFICIALS

Questionnaires were sent to each of the eighty-eight boards of election in the state and replies were received from fifty-two. From these replies it is clear that there is general satisfaction with the present law. Thirty-seven of the fifty-two counties replying to the question: "What is your opinion of the present law?" reported favorably. Ten counties reported unfavorably and five counties urged a repeal of the law.

TABLE V

PERCENTAGE OF ABSENT VOTERS RECEIVING AND VOTING BALLOTS IN PERSON BEFORE BOARDS OF ELECTION

County	Primaries			Elections		
	1920	1922	1924	1920	1922	1924
Clark	74	78	79	54	48	61
Fayette	50	71	86	32	30	36
Franklin	*	74	89	34	70	66
Mahoning	95	89	91	51	56	59
Montgomery	92	28	81	42	*	52

* Not reported.

It is interesting to point out how the different counties react to the present law. Of the eight most populous counties in the state, only one, Summit, reported unfavorably. The five counties urging repeal of the law are predominantly rural. Of the ten counties reporting unfavorably about the law, only two of them, Summit and Tuscarawas, are predominantly urban, the other eight being overwhelmingly rural, three of them being 100 per cent rural.

Several typical replies from the clerks of the boards of election indicate the prevailing attitude toward the law. One clerk writes as follows: "I am of the opinion that an absent voter's law is of considerable value to the voters. It is being used by increasing numbers each year in this county and while it adds greatly to the cost and work of conducting an election it is a convenience to the voters. I think that its usefulness has been clearly demonstrated, at least it has been in this county." Another says: "In my opinion the absent voter's law in Ohio is justified. I think it a mighty good thing that voters can exercise this right without the necessity of their being home on election day. Especially is this true of school teachers. Many voters who come to me for this purpose express their satisfaction with the law. I think it both practical and effective." Another clerk says: "The number of voters availing themselves of this privilege certainly justifies the law. Several years' experience shows that the law is entirely practical. Probably ninety per cent of the voters availing themselves of this privilege would otherwise fail to vote." Still another clerk says: "We have no criticism to make of the law and believe it is working satisfactorily with us as we hear of no objections or complaints." Another clerk says: "I believe the absent voter's law is one of the best laws in the election code as it gives thousands of voters of the state who have been deprived of their right to vote by reason of being absent from their places of voting on election day an opportunity to vote without being compelled to return to their homes to exercise that privilege. If the letter of the law is carried out, it safeguards the vote of the elector just as much as though he voted in person at his polling place. It is unfortunate that due to lack of knowledge of the provisions of the law or indifference more persons do not take advantage of its provisions."

The following opinions come from clerks who take an unfavorable attitude toward the law. They are, however, not representative of the prevailing opinion in the state. One clerk says: "In my judgment the present absent voter's law of this state is used by too many persons for the sake of convenience to them in their vacations and other affairs. Too many people take advantage of the law for the purpose of accommodating themselves rather than taking the attitude that the law was designed for voters who were unavoidably absent from their precincts. As a consequence it is impractical. The person who actually requires the use of the law cannot use it because of the requirements in obtaining the ballot. Usually such cases are emergency calls and require quick action." The election board of another county gives this opinion: "Members of the board think that the absent voter's law is being abused in some instances. Voters have begun to take advantage of its convenience in some cases where they are not unavoidably prevented from voting at the regular voting places on election day. We have had instances where a number of voters have been conducted to the clerk's office by the candidate and voted under the absent voter's law when it has been impossible to strictly enforce all the safeguards that are thrown around a regular voting place." Another clerk said: "The law is a nuisance. Repeal it."

Occasionally one meets with the objection that the law is being abused by the political bosses. This complaint comes mostly from the rural counties where there have been several cases of fraud. Some persons object to political organizations inducing persons to use the absent voter's privilege, but why this should be considered objectionable is not evident. Political organizations spend most of their time on election day getting out the vote, and it should be their privilege as well as their duty to get out the absent vote as well. Another complaint which has more validity is that a number of voters who are only a comparatively small distance from their voting precincts on election day apply for absent voter's ballots. Most of these voters could get to the polls with very little inconvenience and vote personally at their voting precincts.

FRAUD IS RARE

The very nature of the law makes it liable to abuse. Unless boards of election administer the law carefully, there may be fraud. Fortunately instances of fraud are very rare, and not of great importance. In the large centers of population where one might expect the law to be abused, it is found that the law has actually reduced fraud. The Ohio law is a very broad one and does not restrict the use of the privilege to those persons who are bona fide absent from their voting precincts because of business reasons. Some have raised the question as to whether vacationists should be given the privilege. However, very few persons administering the law would change it in this respect. They feel that no reasonable line can be drawn between those absent on business and those absent for pleasure.

Quite generally it is observable that little is done to make the voter acquainted with the provisions of the law. Comparatively few persons know that an absent voting law exists. Thousands of voters who could take advantage of its provisions are unaware of its existence. It might well be required of boards of election that they make some sort of public notice apprising the voters of their privileges in this matter. At least the boards could advise the newspapers to carry information about absent voting. In the large cities this is done, but it does not nearly reach all the people who are entitled to vote while absent from home.

Very few of the persons to whom absent voter's ballots are sent fail to return them. The number of regulations which the voter has to comply with in order to vote in absentia, does not seem to deter him from using the privilege. Many clerks of election boards say that there is too much red tape, but what most of them mean is that they are required to take unusual precautions to preserve the secrecy of the ballot, and not that there are so many detailed provisions in the law that the voter hesitates to take the trouble necessary to cast his vote by mail. It is interesting to find that many persons at great distances from home write for absent ballots. Naval officers on the high seas have been known to do so.

IMPROVEMENTS ARE POSSIBLE

Even though there is general satisfaction with the present law, there are a number of changes which might bring improvement in its operation. In the eight years during which the law has been in effect, certain defects have appeared which might easily be remedied. For instance, complaint is made that the law is unnecessarily complicated—that there is "too much red tape." It is possible to simplify the forms that are used, especially the identification envelope. One election board was in favor of eliminating several of the forms in use, but this does not seem the safe thing to do. An absent voter's law is always liable to abuse, and there might very well be an excess of caution rather than extreme simplification.

One abuse which has appeared in many parts of the state is a tendency for persons to apply for absent voter's ballots when they actually do not intend to be absent from their voting precincts or at least from the city, on election day. The law is entirely too liberal in this respect. As long as a person is outside his voting precinct, even in another part of the city or county, he can receive an absent voter's ballot. This seems to be unnecessarily convenient. In order to register by mail in Ohio one has to be "more than fifty miles" distant from the city in which one expects to vote, and has to make an oath to this effect. Such a requirement might well be made in the absent voter's law. At least the law should require an oath to the effect that the person believes that he will be unavoidably absent from the county. At present an applicant merely has to state that he will be unavoidably absent from his home precinct, and no oath is necessary.

It has also been suggested that absent voter's ballots should be received a few days sooner than at present, that is, that the time limit for their receipt should be changed from three to six days before the day of the election. At present any ballot received before the close of the polls is counted. Several clerks feel that this causes unnecessary work for the boards of election. It is true that additional trouble is caused by the receipt of ballots at a late hour, but it would hardly be proper to require the absent voter to send his vote in so far ahead of the election. The law goes far enough now when it requires applications for absent voter's ballots to be made not less than three days before the election. This prevents a last minute rush on the boards of election when they are busy with the preparations for the election.

Two possible safeguards might be added if it is thought that the law is not adequate in this respect already. One would be to have the chief deputy of the county as well as the clerk pass on the applications for absent voter's ballots. The other would be to allow the precinct officials to reject the ballot of any absent voter presented to them if they are of the opinion that the person is not a legal voter in the precinct in which they are officiating.

The most important change urged by boards of election is one permitting sick electors, present in their home precinct, to vote a ballot within the same period now prescribed for absent voters. Under the law at present a man cannot receive the benefit of an absent voter's ballot unless he is in a hospital outside his precinct. Thus a man ill but too poor to obtain hospital attention cannot profit from the law. This appears to be an unfair distinction. There is no reason why a person absent from the polls on a vacation or on business has a better claim to the absent voting privilege than the person who is ill at home.

SUMMARY

To summarize, this state-wide survey of absent voting in Ohio demonstrates that an increasing number of persons are taking advantage of the absent voting privilege. In the 1920 general election .89 of one per cent of the total vote was cast by absent voters. In 1922 the percentage had risen to 1.05 per cent of the total vote, while in 1924 the percentage rose to 1.22 per cent of the total vote. This increase in the number of persons using the absent voting privilege is encouraging. Of course one per cent of the total vote is not a very significant figure, but it is large enough to justify the continuance of the law.

The present law is not subject to serious criticism. It is on the whole a good law. A few minor changes and one major change to enlarge its scope to include sick electors, would probably make it even a better and a fairer law. There is general satisfaction with the law and clear evidence that it is a great convenience to the voters. At present the more intelligent persons take advantage of its provisions. The law thus increases the size of the total vote by including a desirable portion of the citizenry which would otherwise be excluded from influence. Too little effort is put forth to advertise the existence of the absent voting privilege.

RECENT BOOKS AND PUBLICATIONS

Public Utilities and the Law. By William W. Wherry, Jr. New York: The Writers Publishing Co., 1925. Pp. xi, 337.

Condensed within the compass of a small volume the author has presented a pretty comprehensive survey of the problems involved in rate making by public utilities. The work may well be called a "desk book for business men and executives." Particularly useful are his discussions of the indeterminate permit and of certificates of convenience and necessity, and his draft of a proposed public utility law.

The views expressed and the theories urged are such as are to be expected from a fair-minded public utility man, who recognizes the truth, too often forgotten or denied, that the public will not be well served, nor the utility owners well rewarded, unless each is actuated by a willingness to be fair to the other. The point of view of the book is that of the utility. Without any intent to forget the paramount rights of the public, and with a willingness to consider those rights, it is still apparent that the writer is not concerning himself primarily with the interests of the public. On the other hand he shows no disposition to deny or override those interests.

On the matter of valuation he stands four square for giving the utility the full advantage of the rise in prices of labor and materials since 1914, or as an alternative, the benefit of the decrease in the value of the dollar. He urges that only so can an easy flow of capital to build and maintain the utilities be assured. He has no room for the prudent investment theory of fixing the rate base. In a period of rising prices and falling dollars such as we have had since 1893 this should encourage a flow of capital. We have been so long on this incline that most writers seem to have assured themselves there never again can be a serious decline in prices. History tells a different story, and how a flow of capital could be secured if instead of a 50 per cent rise there should be a 50 per cent fall in prices is a serious problem. Under any theory of valuation a flow of capital is easy in a period of high prices. The difficult task is to secure capital when prices are going down. One may be permitted to believe that most investors in stocks, and all investors in bonds, of public utilities are more strongly attracted by safety than by possible speculative gains. If the public, who are now looked to for the capital needed in public utilities, were reasonably sure of a fair return on the number of dollars they invested in public utilities and had reasonable assurance that they could get back the same number of dollars if they desired to cash in, it is a fair guess there would be little trouble to secure the needed flow of capital. So far the courts on the whole have steered a middle course, and there is now more than ever a strenuous effort to bring them over to the position taken in this book. If and when prices drop there will be a different story.

The author's attack on the commissioners constituting the public utility commissions seems far from fair-minded or justified. No doubt there have been many commissioners and possibly some commissions guilty of the charges of unfairness, lack of ability and political dishonesty contained in his indictment. On the other hand there is abundant evidence that in some cases the trouble has been that the utilities have manipulated and controlled the commissions in disregard of the rights of the public. The reviewer believes that both these cases are exceptional. One cannot read the opinions of the commissions with an open mind and not be impressed that taken by and large the commissioners are fully as able and as fair-minded as the judges on the bench. This has more than once been recognized by the opinions of the courts, and not infrequently it seems fairly clear that the judge passing on the work of the commission has not done well in substituting his judgment, on a matter in which he has had little training or experience, for that of the commissioners who by long practice have become experts.

The author, too, is much exercised at the law's delays and the denials of justice to the utilities. He does not note that the public suffers even more in this respect, and especially he overlooks the fact that the case of the utility is usually thoroughly worked up and presented to the commissions and the courts by the ablest specialists, while that of the public is often pitiably mishandled by men with little or no training in that field of practice. If a lawyer, engineer or accountant does show distinguished ability in behalf of the public he is almost certain immediately to be offered employment by the utilities. This is one of the serious difficulties of the situation, and it is the public and not the utilities that suffered most.

Certainly, one encouraging sign is an increasing recognition of the economic, social and political fact that the true interest of the public and of the utilities lies in a fair-minded treatment of each by the other, and the author is to be commended for showing this spirit in his discussions. As a clear statement in small compass of the fundamentals of our present-day public utility problems, by a man who writes out of much experience, the book is a real contribution.

Edwin C. Goddard.

Ann Arbor, Michigan.

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Manual of Accounting and Reporting for the Operating Services of the National Government. By Henry P. Seidemann. Baltimore: The Johns Hopkins Press, 1926. Pp. XXII, 399.

A comprehensive treatment of an accounting system for the national government as a whole would be as bold an undertaking as any in accounting literature. Indeed, if a work should merely state the problems of fiscal administration of the national government, although only in so far as they deal with financial transactions, it would be of commanding importance in the field of literature on government administration.

This book, which is published by the Institute for Government Research, does not attempt such a comprehensive treatment of the subject. It is announced in the preface that a subsequent volume is in preparation which will deal with the problem of "central accounting and reporting of the national government." The present volume is confined mainly to the presentation of a uniform system of recording and reporting transactions for certain of the spending agencies of the government—the "operating services." Each of these services is viewed as an independent accounting unit, and as in fact possessing financial autonomy. The author views each service as the proprietor of the assets which circumstances require that it administer—the accounts receivable it is to collect for the government, the funds transferred to its custody, and the physical properties purchased for its use or committed to its care.

Through a "balance sheet," a distinct financial condition for each service is expressed. In this statement the assets under the administration or custody of any service, the unexpended balances of appropriations made to it, and the obligations incurred under the authority delegated to it, are interpreted as "what a department or bureau owns, what is due it, and what it owes." This statement finally shows a "current surplus" and "fixed capital surplus" for the respective departments and bureaus. This same form of interpretation is carried into the analysis of financial operations. We find there "gifts" and "sales" to and from other departments and bureaus, while depreciation on fixed assets is charged against the various activities. The classification of expenditures follows that which has generally been proposed in municipal accounting, namely, according to appropriations, organization units, activities (or functions), character, and objects.

Appropriations to the services are interpreted as "funds" which have as resources the cash balances received by the services on account of the respective appropriations or awaiting transfer from the treasury department, and of accounts receivable that operate to the credit of unexpended balances of appropriations.

In most of these important particulars, the book opposes in principle and interpretation Francis Oakey's *Principles of Government Accounting and Reporting*, an earlier publication of the Institute for Government Research. Mr. Seidemann, however, voices two principles embodied in Mr. Oakey's work, the importance of which warrants their reiteration here. Briefly they are: (1) the financial information to be produced should be the basis in any accounting system for the system of accounts and records; and (2) such information should be limited to that which is essential to administrative action.

With the application of the first principle in the present volume, the author has arranged his material in a sequential order that makes the development of the system presented comparatively simple to follow. Thus the book proceeds definitely and explicitly, step by step from the statements to the ledgers and then to the books of original entry. Those of us who disagree with his other principles and interpretations can only accept the challenge to apply ours in an equally difficult situation.

The procedure with respect to documents—that is, disbursement vouchers, bills, and so forth—receive only incidental attention in the book, and thus the important subject of auditing control over individual transactions is largely omitted. The book includes an informative explanation of the federal budget procedure, analysis of typical transactions, charts of accounts, pro forma classifications of expenditures, and an exposition of "machine accounting" or the use of mechanical devices for recording and compiling. The preface mentions that the author had the assistance of other members of the Institute's staff, including John Payne, A. L. Peterson, and Herbert Wilson.

William Watson.

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Annual Report of the United States Civil Service Commission for the Fiscal Year Ending June 13, 1925. Pp. lxxiv, 168. Free on application to the Commission at Washington, D. C.

The federal service is so large that an official body like the United States civil service commission must of necessity exercise a high degree of selection in what it prints in its annual report. The commission on the whole, it must be said, has chosen wisely from among the many subjects that could be discussed with profit. Salient figures showing the size and growth of the service, the total appropriations and expenditures of the commission, the importance of personnel records, the nature and effect of the laws and rules giving preference to veterans, the place of women in the service, the practical working out of statutory provisions relating to the apportionment of appointments to the several states, the physical examination of those appointed, investigations as to political activities and assessments, and other personnel matters are all discussed; sometimes so briefly as to spur the curiosity of the reader, and sometimes in such detail as to tax his patience.

Except for a few incidental references, the commission has omitted any discussion of the personnel classification act and its administration. This omission is significant and difficult to understand. For several years classification has been one of the mst important matters in the personnel administration of the federal service of the United States. It has caused many acrimonious discussions. The commission's representative on the Personnel Classification Board has played a creditable part under trying conditions and has consistently opposed what he believes to be flagrant violations of the personnel classification act, for which the representatives of the bureau of efficiency and the bureau of the budget have voted. Under the circumstances the reader is entitled to expect a vigorous discussion of classification and salary standardization in the one important document of the year coming from the body which is, or should be, able to discuss the question most intelligently and effectively.

The report contains a great deal of valuable information about personnel administration in the federal service which the average citizen should know. One cannot help but feel, however, that the commission has overlooked an important opportunity to present the issues involved and the importance to the service of the much discussed and widely misunderstood question of the classification and salary standardization of the federal service as provided under the terms of the personnel classification act.

Charles P. Messick.
New Jersey Civil Service Commission.

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Organized Labor and the Law. By Alpheus T. Mason, Ph.D. Durham, N. C.: Duke University Press, 1925. Pp. 265.

In the midst of a confusion of argument for and against changes in labor legislation, it is refreshing to have such a concise, definite and accurate statement of the phases of labor law covered in Professor Mason's book. The author does not attempt to include the entire field of employment legislation, but centers his treatment upon certain rights of organized labor. Starting with the English statutes, the growth of the doctrine of criminal conspiracy and the doctrine of restraint of trade, he passes to the common law principles adopted in the United States, including those governing the right to combine, to strike, to picket and to boycott, and the bases of injunction writs in labor dispute.

Next he considers the federal trade laws as applied to labor organizations especially the Sherman and Clayton acts. This part of the book offers the fairest, clearest and most admirable statement of the legal principles involved and their application in recent decisions of the supreme court that has yet appeared. Next the author gives an especially interesting chapter on the suability of labor unions. Naturally attention is chiefly given to the decision in the first Coronado case. The valuable and interesting observations which Professor Mason makes upon this case are not affected by the decision in the second Coronado case, rendered after the book went to press. The author thinks that by making the union liable to suit for damages, the supreme court removes a large part of the foundation for an injunction and thereby achieves one of the changes which organized labor has not long desired: viz., the limitation of restraining equity writs in labor cases.

Finally, in his conclusion, Dr. Mason summarizes in twelve pages the chief points of law which have developed by usage and statute over the entire period covered by the book, and shows in an interesting way the continuity of this development.

While the treatment is legal, it is none the less based upon a sympathetic social and economic viewpoint. The consequences to both the working and employing classes, of each important decision are clearly realized by the author as is also the fact that many of the changes, both in statute law and in its interpretation, represent the rise of a new class to political power. The author uses a clear and interesting style, and while he deals with matters of technical law, his treatment is readily followed by the layman or the student of economic and social problems. The book merits a wide circulation.

It may be hoped that in subsequent editions, the author will add another feature that would enhance the value of his treatment, viz., a descriptive note giving some of the practical circumstances under which the principal disputes have arisen, and the actual effects upon the parties at interest of the decisions rendered by the courts.

James T. Young.

Philadelphia, Pa.

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A Bibliography of Public Administration. By Sarah Greer. New York: National Institute of Public Administration, 1926. Pp. xiii, 238.

Literature on state and municipal government, particularly the administrative side, has become so specialized and so plentiful in recent years, that a bibliography such as the one just published from the pen of the librarian of the National Institute of Public Administration will be welcomed with enthusiasm. Professor Munro's bibliography on municipal government is now more than ten years old, and Public Affairs Information Service is too expensive and too voluminous for the ordinary person to use to advantage. The publication of the bibliography of public administration will therefore meet a real need. So far as the present reviewer is aware it is the first bibliography which treats of the administration of the state and federal governments, as well as the municipal field.

The scope of the work is somewhat broader than the title would indicate. The first chapter is headed "General Administration" and includes the government of the United States and European countries, municipal charters, consolidation of metropolitan areas, etc. Chapter II covers political parties and elections and includes proportional representation and legislative procedure. Chapter III is devoted to civil service and employment management. Other chapters include public finance, public works, public utilities, public health and sanitation, public welfare, public safety and administration of justice and education.

Miss Greer keeps close watch over the current publications on governmental administration and the books and pamphlets which find place in her book are those which possess the most lasting value. For obviously it would be impossible to find room for everything within the limits of a small volume and this fact is sufficient answer to any who may find some favorite book or report omitted. The author has not undertaken any comparative evaluations of the material included although each publication is sufficiently described by either title or explanatory paragraph.

The material is well arranged and classified and the present reviewer prophesies that many will find the book, as he has done, a continuously ready reference to the recent and important material in the field of public administration. It is to be hoped that it will be followed by another in the form of a selected bibliography of the more important periodical literature on public administration.

H. W. D.

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The City. By Robert E. Park and Ernest W. Burgess. Chicago: The University of Chicago Press, 1925. Pp. xi, 239.

This volume is a collection of ten papers contributed by four authors. The first paper, entitled "The City," by Robert E. Park, was written, as he explains in the preface, in response to a request for an outline of "a program of studies of human nature and social life under modern city conditions." It contains an extensive list of suggestions for further investigation along the line of human behavior in the urban environment. The other papers are "by-products of the more detailed monographic studies suggested in that paper."

Five of the remaining nine chapters were also written by Park. Chapter 4 is on, "The Natural History of the Newspaper"; Chapter 5, "Community Organization and Juvenile Delinquency"; Chapter 6, "Community Organization and the Romantic Temper"; Chapter 7, "Magic, Mentality, and City Life"; and Chapter 9, "The Mind of the Hobo: Reflections upon the Relations between Mentality and Locomotion." Chapters 2 and 8 were written by Ernest W. Burgess. The titles of these papers are: "The Growth of the City," and "Can Neighborhood Work Have a Scientific Basis?" Chapter 3, "The Ecological Approach to the Study of the Human Community," was written by R. D. McKenzie; and Chapter 10 on, "A Bibliography of the Urban Community," is by Louis Wirth. This last chapter is much the longest of the group, comprising nearly one-third of the volume.

In consequence of the multiple authorship there is some overlapping. Urban expansion is discussed in both Chapters 2 and 8. Likewise the ecological forces are analized in Chapters 3 and 8. The discussion of magic is incomplete and its relation to the other papers is not made clear. On the whole the volume serves its purpose well as a general introduction to further study of the characteristics and consequences of city growth and of the city as a social fact.

E. A. Helms.

Ohio State University.

REPORTS AND PAMPHLETS

Toledo Police Survey.—The Toledo Commission of Publicity and Efficiency has recently released a lengthy report on the functioning of the Toledo police department. The real heart of the survey consists of two major findings. The first is that the homicide, robbery, burglary, and larceny rate is exceedingly high by comparison with other cities of equal size; the second, that the city is woefully underpatrolled.

Although this reviewer, having no first-hand familiarity with local conditions, can only draw his conclusions by reading between the lines, it would appear that the commission has for the most part approached its task with an open mind and a desire to present the facts. This belief is strengthened by the manner in which the question of commercialized vice has been treated. The commission concedes that the police have failed in their work of suppression, and recommends a return to the segregated district. Although few will now be found who agree with that conclusion, it must be conceded that its presentation by a responsible public body required the exercise of real courage.

Bruce Smith.

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State Property Tax to Aid in the Support of an Eight-Months' School Term is the title of a debate handbook published by the Extension Division of the University of North Carolina. Readers of the Review are familiar with the unusually active efforts of the University to bring its facilities to the people of the state and its influence to bear upon the solution of local political and social problems. The handbook is prepared especially for the High School Debating Union of the state which has been functioning since 1912. Each year a memorial cup is awarded to the team winning in the final contest held at Chapel Hill. Most of the subjects for past years have been general in nature, but this year attention has been shrewdly directed to the local problem of whether North Carolina should levy a state tax on property to aid in the support of an eight-months' school term.

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New Jersey Laws.—The Legislative Reference Department of the New Jersey State Library, following the practice of former years, has issued a Descriptive List of the Laws and Joint Resolutions enacted by the 1926 legislature. This Descriptive List gives the bill and chapter number of every measure enacted, together with the name of the introducer and a succinct statement of just what the law does.

A copy of this Descriptive List will be sent gratis to any person making application therefor to the State Library at Trenton, New Jersey.

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Working Manual of Civics, by Milton Conover, published by the Johns Hopkins Press of Baltimore, is intended as a supplement to ordinary text books on civics. The aim, as stated by the author, who is assistant professor of political science in Yale University, "is to lead the student beyond the covers of textbooks and into the practical field of government." An adequate bibliography is given with each topic and suggested assignments for special work are provided. Of course the test of any handbook is the same as that of a pudding, but the author who undertakes a teacher's handbook in civics faces the difficult fact that many teachers of the subject are untrained in it and do not know or wish to know how to avail themselves of the devices offered. The conscientious teacher will, however, find in this manual many leads to original sources which can be availed of with much profit.

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Proportional Representation, compiled by Lamar T. Beman, appears as No. 5, Vol. III of the Reference Shelf published by the H. W. Wilson Company, New York City. It is in the form of a debater's handbook with briefs pro and con, and an extensive bibliography. The body of the book consists of reprints of articles and excerpts from books for and against proportional representation. It will be welcomed by anyone who wishes quick information on the subject, but its usefulness is marred by failure to include either a table of contents or an index.

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Report on a Proposed Plan for the Regulation and Supervision of Departmental Accounting, prepared at the request of Governor Pothier by Zenas W. Bliss, chairman of the Board of Tax Commissioners, is chiefly interesting to persons outside of Rhode Island on account of the appendix, which contains a digest of the statutes governing various state budget systems. The body of the report contains a table showing the title and personnel of the budget department of each of the several states.

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Building Code of Santa Barbara, California.—Santa Barbara has just adopted a comprehensive building code which was prepared with the co-operation of the City Planning Commission, the Architectural Advisory Committee, the Builder's Exchange, the Building Trades Council, Francis Price, city attorney, and Vern D. Hedden, consultant. Copies may be secured for $.50 each.

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Public Utility Consultant, New York City

The Cause of Controversy in Rate-Making.—We have been asked repeatedly to state and explain the chief factors of controversy in public utility rate-making. It is plain that the methods of regulation used by the commissions are not working satisfactorily; rate procedure is too cumbersome, and the efforts at rate adjustments, upward or downward, are beset by far too much litigation. What are the difficulties, and what the remedies?

The difficulty, in general, is the lack of definite principles upon which rates are based, and inadequate machinery by which rate-making is conducted. The fundamental basis and procedure have never been definitely established; so the controversy is due to the confusion of principles and methods employed by the commissions.

THE COST OF SERVICE

What are reasonable rates? No specific definition has ever been supplied either by the legislatures providing for regulation, or by the courts in defining the limits of regulation against the encroachment upon private rights. There is, however, one clear and exact basis of rates which would immediately cut through all controversy, and would establish scientific regulation: basing rates definitely upon cost of service.

The cost of service consists of three principal items: (1) Operating expenses, (2) taxes, and (3) return on investment. The operating expenses consist of all labor and materials used in furnishing service, including ordinary maintenance as well as the necessary charges for renewals of property. Taxes include all payments made to various governmental bodies in connection with operation of the properties. These two groups, operating expenses and taxes, usually constitute at least three-fourths of the total charges covered by reasonable rates, and they are taken almost generally by the commissions at actual cost as shown by the accounts of the companies.

The cost principle has thus become recognized in the bulk of the elements entering into reasonable rates. Only the one factor, the return on investment, which usually constitutes less than one-fourth of the total rate charges, has never been based definitely upon cost, or definitely upon any other principle, consequently it cannot be administered under present conditions through any satisfactory method of control, and causes all the difficulties in rate-making.

INVESTMENT INSTEAD OF "FAIR VALUE"

All the confusion in rate-making, therefore, is due to the one minor factor. The general formula is that a "fair rate" of return must be allowed on the "fair value" of the properties used in operation. But the formula has no concrete explanation as to how a "fair rate" or "fair value" may be determined; and this is the cause of controversy in rate-making.

To put rate-making upon an exact and scientific basis for the future, requires the acceptance of the cost principle for return on investment in exactly the same way as cost is recognized for operating expenses and taxes. If the cost of service were taken consistently for all three elements as the proper measure of reasonable rates, then return on investment would become an exact matter subject to accounting control exactly as operating expenses and taxes. The rights of the investors would be definitely stated and maintained, and there would be no controversy.

So long, however, as we continue with the mere vague formula of "fair rate" of return upon "fair value," we shall have sharp differences of opinion as to what factors and in what proportion shall be deemed "fair." On this basis every rate adjustment presents a natural conflict between the public and the companies; the one seeking a low value and a low rate of return, and the other a maximum value and a maximum rate of return. But, if the return were based upon cost, there would be exact facts as shown by the accounts, and the rate adjustments could be readily made as justified, upward or downward, according to facts, not argument and undefined claims of "fair."

WHAT IS "FAIR VALUE"?

The basic conflict in rate-making is, what constitutes "fair value," and what is a "fair rate" of return? The question of "fair value" involves least four large questions on which there are wide differences of opinion: (1) whether and to what extent the cost of reproduction or the original cost of the properties should be used, (2) whether and to what extent depreciation should be deducted from the gross valuation, (3) what allowance should be made for "going value," and (4) what provisions for the various overheads or intangible values.

As to the "fair rate" of return, there is the question whether and to what extent it should be based upon current market rates of interest, or upon the actual cost of capital paid by the company, whether and how much consideration should be given to the hazards of the particular business, and whether and to what degree the particular financial structure should be taken into account.

The more important questions as thus generally outlined, both as to the determination of "fair value" and "fair rate" of return, will be presented and discussed briefly in subsequent issues of the REVIEW. A special phase of controversy will be presented in each number. The objective is to present to the readers a clear and simple picture of the cause of the vast amount of utility litigation, and to point the way to proper and effective regulation. We shall gladly answer special inquiries in this field or publish well thought-out ideas and points of view.

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Governor Pinchot's Giant Power Bills.—The difficulties of regulation, as briefly outlined above, must finally be met by legislation. The foremost effort to date to establish scientific regulation through legislative action, appeared in the so-called Giant Power Bills submitted to the recent session of the Pennsylvania legislature as a result of Governor Pinchot's efforts to meet present-day electric power conditions. The bills not only provided for the incorporation of giant power companies, with the object of generating power at the coal mines and distributing it by means of high tension systems, but they attempted also to set up scientific machinery for rate-making. They fixed as the rate base the actual investment in the properties, and provided for complete maintenance including depreciation, relying upon the accounts to show the net investment entitled to a return at any time. The rate of return, however, was left flexible, with provisions that it should be adjusted to the market rate so as to keep the market value of the stock at par or somewhat above. This particular feature of the bills will be discussed in a later number of the REVIEW. Unfortunately, the bills did not pass the legislature, but they have helped to point the way to effective regulation and have had an important educational influence.

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Paving Charges.—During the past ten years there has been an intensive drive by the street railway companies to free themselves from the paving obligations imposed upon them in most cities either by franchise or by general statutory requirements. The opposition has become insistent particularly in the face of increasing operating costs and growing bus competition. It is claimed that the obligation goes back to horse-car operation, when there was reason why the paving between the rails and a strip on each side should be maintained by the companies; but that with the electrification of the lines, the reason for the requirement has disappeared, and with the present high costs and bus competition, the companies should be relieved of the unjustified burden.

The legislature of New Jersey passed a bill during its recent session in line with the companies' claims. But the bill was vetoed by Governor Moore, and no attempt was made to pass it over the veto. This attempted legislation calls attention to an important problem, which ought to be considered by every municipality affected by it. This is an important question, which should not be left to political maneuvering but should be settled by investigation of the facts and sound consideration of policy. There are at least two points that ought to be weighed on the public side against the claims of the companies. First, there is the question whether the presence of the railroad in the center of a street does not cause as great a total paving cost, especially maintenance and renewals, as there would be without the presence of the railroad; whether a city could not maintain the paving of the entire width of a street as cheaply as it can the two side strips, with the center occupied by the railroad. This question can be answered from actual experience, and the facts ought to be determined.

The second question involves the entire municipal policy as to future street transportation, whether this service should be provided by street railways or modern buses. If, in any case, investigation shows that bus operation would furnish a better and more economical service, then the effort to replace street railways as rapidly as possible with buses would be rendered more difficult by relieving the street railway companies from the existing paving obligations. In any event, this appears to be a local problem, and should be determined by the local authorities in each case; not in general by the legislature of the state. This is particularly true where the paving obligations were incorporated in the franchise granted by the local communities. Governor Moore is to be congratulated for vetoing the New Jersey bills; now more time is available for broader public consideration of the issues involved.

✣

Gas Service in Philadelphia.—The Bureau of Municipal Research of Philadelphia has just issued a comprehensive report on the history of the gas works in Philadelphia, with a description of modern standards of gas service, and an analysis of the present situation in the city of Philadelphia.

Philadelphia presents an unusual case where a large city owns the gas works and has leased them to a private company under a long-term contract. The city has owned the works from the beginning, and has operated them or has kept control throughout the history of the properties. In the early years it had a separate board administrating the properties, subsequently it undertook direct operation, and in 1897 it leased them to the United Gas Improvement Company for a period of thirty years. The lessee was pledged to make the necessary additions and improvements, furnish the gas at the stipulated rates, and make certain payments to the city. The entire property, including the extensions and improvements, passes free of cost to the city at the expiration of the lease in 1927. While the lease expires at the close of the present year, no definite decision has been reached as to arrangements for the future. A new lease has been proposed by the present lessee, and the report sets forth the conditions that should be insisted upon by the city in entering into a further lease or in making any other operating arrangements for the future.

✣

Electric Rates in Minnesota.—The League of Minnesota Municipalities has just issued a pamphlet on "Minnesota Electric Rates" compiled by Esther Crandall, librarian of the Municipal Reference Bureau. The pamphlet sets forth the electric rates charged in all the municipalities of the state, arranged in alphabetical order, giving for each municipality the population, the kind of service, whether by municipal plant or by what company, the lighting rates, power rates and other rate schedules. There is no attempt at analysis, either as to rates between different classes of municipalities or between privately owned and municipally owned plants.

A casual survey of the bulletin indicates, however, striking differences in the rates charged as between communities of the same size and as between privately owned and municipal plants. For example, the lighting rates in Duluth, 98,917 population, are 6 cents per kilowatt hour up to 199 kilowatt hours, while in Minneapolis, 380,582 population, the rates are 9.5 cents per kilowatt hour up to 200, with a discount of 5 per cent for prompt payment. For smaller municipalities, Spring Valley, 1,871 popuation, has a lighting rate of 16 cents per kilowatt hour, while Buhl, 2,007 population, has a rate of 8 cents. Generally speaking, the municipally owned plants furnish service at lower rates than privately owned plants in communities of equal size, although this is not uniformly true. Whether this is due to excessive rates on the part of private companies, or to rates which do not pay the full cost of service on the part of the municipal plants, cannot be determined. Mostly, the schedules correspond well with rates in other sections of the country.

✣

The Five-Cent Fare in Chicago.—The long litigation in Chicago over the five-cent fare has practically come to an end when the federal master in chancery recently upheld the existing seven-cent fare and declared a lower rate ordered by the Illinois commerce commission in 1922 to be confiscatory and illegal. The report of the master is expected to be upheld by the courts.

Chicago faces a complicated traction situation which has caused both the Thompson and the present administration a great deal of perspiration. A year ago a general settlement of the transit situation was provided for by special ordinance, which, however, was overwhelmingly defeated by the voters of the city. No new general program has been developed, and the situation is extremely complicated.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE

Professor of Law, Georgetown University

LIABILITY OF CITY FOR INJURIES DUE TO NEGLIGENCE IN THE CARE OF PUBLIC PARKS

The growing tendency of the law to reconcile the principles of liability of municipal corporations for acts of negligence resulting in damages to individuals with those applied to private corporations is evidenced in several recent adjudications of our courts of last resort. The principle of exemption based upon the distinction between "public or governmental" and "private or proprietary" functions has been found to be so unsatisfactory a test of tort liability that it is gradually being broken down by the extension of the sphere of "private or proprietary" functions to cover a range of activities, which from the point of view of taxation, execution of judgments, or power of alienation must still be classified in law, as they are in fact, "public and governmental" in character.

For the purpose of predicating liability of municipal corporations in tort, the courts have classified as "private or proprietary" functions all municipal enterprises from which a revenue is derived, such as supplying water, gas, or electricity to their inhabitants, and have imposed liability wherever the property mainly used for a public purpose is yielding an incidental revenue.[1] Peculiarly, the care and operation of sewers is put in the same category, subject only to the rules of immunity from damages resulting from the discretionary act of the adoption of plans therefor.[2] The streets of a city are held by it as an agency of the state in trust for the public, and in the absence of statutory imposition, no liability for consequential damages resulting from a change of grade exists; yet outside of New England the city is held to the strictest common law responsibility for maintaining the streets in a safe condition for passage of vehicles and pedestrians. This extraordinary liability for the care of its public streets is based upon exceptional principles which gained a foothold before the test of public or private purpose had been developed.

The most common and best justified application of this test is to confer immunity from liability for tort for the acts of officers and employees of the police, fire or health departments, the duties of each of which are essentially governmental and may be regarded as delegated to the municipal corporation as an agency of the state. Unless liability is imposed by statute, the municipality in performing the duties thus imposed is exempt from an action for negligence upon the same principle as the state itself,[3] and the injured person is remitted to his action against the officer or employee whose personal negligence occasioned the injury.[4] Even here the test often leads to logical results that seem to the layman extremely unscientific and absurd. Thus, in the case of Autrey v. City Council of Georgia in 1925 the plantiff was severely injured by stepping into a cut-off or hole left unguarded by the employees of the water department of the city. While the waterworks system was operated by the city "in its private capacity and for profit and gain," the court held that the action could not be maintained as it appeared that the particular part of its system described in the petition as a "cut-off" was used for no other purpose than to control the flow of water into a pool in the park, and was therefore devoted only to the benefit of the general public, without any pretense of private gain to the municipality."[5]

It is to meet such unfortunate situations, that the courts have been led to modify the doctrine by holding that the public nature of the undertaking will not excuse liability when the act complained of is a trespass upon private property,[6] or constitutes a nuisance.[7] But short of a frank abandonment of the test, as in South Carolina[8] and in Florida in the case of cities under a commission form of government[9] or in all instances, as at one time suggested by the supreme court of Ohio,[10] the most obvious method of meeting the situation is by further extending the application of the term "private or proprietary" for this purpose to include many functions, which for all other purposes must still be classed as "public or governmental."[11]

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[1] Libby v. Portland (1909), 105 Me. 370, 74 Atl. 805.

[2] Johnston v. District of Columbia (1885), 118 U. S. 19; Seifert v. City of Brooklyn (1886), 101 N. Y. 136, 4 N. E. 321.

[3] Hill v. Boston, 122 Mass. 344; Craig v. Charleston (1899), 180 Ill. 154, 84 N. E. 184.

[4] Floric v. Jersey City (1925), 129 Atl. 470.

[5] See also, Hodgins v. Bay City (151 Mich. 687) in which the plaintiff was injured by a defective wire of the city lighting system. As the wire carried the alternating current used for commercial lighting, the city was held liable, but would have been immune from liability had the wire carried direct current used for lighting the streets.

Such is the distinct tendency of the courts in relation to municipal responsibility for the care and management of its parks, which, whether acquired by purchase or dedication, the city holds in trust for the public, without power of alienation, or subjection to taxation, eminent domain, or execution. In Wardman v. City of Grafton (128 S. E. 375), the supreme court of West Virginia held the city liable for injuries sustained by a child due to the defective condition of a chute or slideway erected for the entertainment of children frequenting the park. In an able opinion, Justice Miller points out the distinct movement in this country toward the doctrine that municipal corporations are under a duty of exercising reasonable care in the maintenance of parks and other public enterprises of like character. The chaos in which the courts have found themselves due to the adoption in such cases of the unreasonable test of the public or private character of the enterprise is pointed out, and the court approves of the better theory of liability based upon the conferring of the power and the imposition of a duty. It is noteworthy that in the case of Fort Collins v. Roten (72 Colo. 182, 210 Pac. 326) the accident for which the city was also held liable was as in the instant case caused by a ring on the child's hand catching on a projecting bolt on the outside of the hand railing.

In Ramirez v. Cheyenne (241 Pac. 710) decided December 15, 1925, a case in which the question whether the city was liable for injuries to a child by a defective swing in a public playground, the supreme court of Wyoming was called upon to adopt for the first time the principle to be applied in that state to the determination of cases of this kind. After a very careful examination of authorities, the court was led to reject the older test, as exemplified in Hill v. Boston (122 Mass. 344) and approved by Judge Dillon, that the municipality is to be held liable "only when the duty is a new one and is such as is ordinarily performed by trading corporations" as not based upon the supposed analogy of the English cases and as impractical of application. The court points out that the enterprise of providing playgrounds for children may be rendered by a public charity, and holds that no greater exemption should be accorded the city than to the private corporation engaged in similar activities; in other words that the criterion to govern such cases is the character of the service involved. The court suggests the advisability of action by the legislature to declare a policy to guide the courts upon the subject of municipal liability for tort.

A third case indicating the trend toward the stricter rule of liability is Byrnes v. City of Jackson (105 So. 861) decided by the supreme court of Mississippi. November 16, 1925, applying what it calls the New York doctrine as to care of parks and holding that an adult injured by a bear in the zoo maintained by the city may recover upon proof that the agents of the city were negligent in providing proper control over the animal. The court states that it is aligning itself with the New York decisions in holding the city to the same responsibility for the care of its parks as for the care of the public streets.[12].

The impasse in which the courts have found themselves doubtless calls for an abandonment of this artificial test, which often leads to unsatisfactory results. The interpretation of the terms "public or governmental" and "private or proprietary" as now used to determine liability in tort is far removed from that applied in the fields of taxation, eminent domain, alienation of property and execution of judgments. The courts must either work out a basis of liability more consistent with the general principles of liability of private corporations in tort, as has been approximated in England and New York, or the solution must come from a resort to the legislature, as suggested by the supreme court of Wyoming. While the decision in each of these three cases might be upheld in some of the jurisdictions which place parks in the category of "public or governmental" functions upon the theory of liability based upon maintaining a nuisance or dangerous conditions attractive to children, they are noteworthy in adopting a broader principle of liability, which renders unnecessary the piling of exception upon exception.[13]

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[6] Ashley v. Port Huron, 35 Mich. 296.

[7] District of Columbia v. Totten (D. C. App. 1925), 5 Fed. (2) 374; Davoren v. Kansas City (Mo. 1925), 273 S. A. L. 401.

[8] Irvine v. Greenwood (1911), 89 S. E. 511, 72 S. E. 222; Crepe v. Columbia (1916), 104 S. E. 371, 89 S. E. 316.

[9] Kaufman v. Tallahasse (1922), 84 Fla. 634, 94 So. 697; Tallahasse v. Kaufman (1924), 100 So. 150.

[10] Fowler v. Cleveland, 100 Ohio St. 158, 126 N. E. 72, overruled in Aldrich v. Youngstown, 106 Ohio St. 342, 140 N. E. 164.

[11] The test is not applied in cases arising under the Admiralty jurisdiction of the Federal Courts. Thompson Navigation Co. v. Chicago (1897), 77 Fed. 984; Workman v. New York City (1900), 179 U. S. 552; Chicago v. White Trans. Co. (1917), 243 Fed. 358.

[12] The opinion in this case includes citations to a large number of the leading cases on this question.

BRIEF NOTES ON RECENT DECISIONS

Paving Contracts—Power to Stipulate Patented Article.—Under a statute empowering the city authorities to determine in advance the kind of surfacing material most adapted to the needs of the city's highways and to specify the material so determined upon, the city is held authorized to restrict bidding to a patented material, when equality among bidders is assured by uniform price for material used. Generally the inclusion of a patented article will defeat the statutory requirement of competitive bidding on public contracts, but it is held in Litchfield v. City of Bridgeport (Conn.), 131 Atl. 560, that the great weight of authority establishes the doctrine that the selection of a patented article with a provision for a licensing agreement, enabling all who may desire to bid to secure the patented article at a set price, does not contravene the requirement of the statute. The city in the instant case acted under express legislative authority and no questions of the validity of a similar exercise of authority under an implied power was raised.

⁂

Traveling Expenses of Councilmen. Injunction to Restrain Payment.—In McCaffrey et al. v. Boston (Mass.), 149 N. E. 659, the plaintiffs, resident taxpayers of the city of Boston, sued in equity to restrain the expenditure of public money to defray the expenses of members of the city council for a trip to other cities to investigate the advisability of establishing a city hospital for chronic diseases. Before the action was brought the trip had been made and the money expended. Upon this ground, the lower court dismissed the petition. The supreme court, however, reversed the decree, holding that the provision of the city charter that no member of the city council should receive any other sum than his salary "for or on account of any personal expenses directly or indirectly incurred by or in behalf of any member of said council" permitted of no exception and covered the instant case. While generally municipalities are held to have no implied power to pay the expenses of lobbying committees, or to reimburse city officers for moneys spent in attending conventions, the collection of data relating to a public enterprise involving the expenditure of large sums of money, may be considered as necessary to the proper exercise of the authority conferred. The decision in the instant case, therefore, must stand upon the particular and positive provision of the statute, which the court points out is applicable to the city of Boston alone and adapted to what the legislature regarded as its peculiar needs.

⁂

Municipal Ownership—Power to Mortgage Plant.—Section 24 of Article 8, of the constitution of Michigan, authorizes the issuance of a mortgage beyond the constitutional limit of indebtedness to finance a public utility owned by the municipality. Other sections of the same article provides that a municipal franchise can be granted to a private person only upon authorization of the electors. Held in Stanhope v. Village of Hart (Mich.), 206 N. W. 346, that these sections must be read together, and that without approval by the voters a clause in the mortgage, assuring to the purchaser upon foreclosure a franchise to operate for a term of years, is invalid; and the village is enjoined from issuing a mortgage containing such a clause, "unless and until such proposition shall have first received the affirmative vote of three-fifths of the electors of the village voting thereon at a regular or special municipal election."

⁂

Home Rule Charters—Extra Territorial Effect.—The defendant city in the case of Collinsville v. Brickley (Okla.), 242 Pac. 249, was held liable for damages to a lower riparian owner of a stream into which the city discharged its sewage, polluting the water so that the water was unfit for the plaintiff's cattle. The defendant contended that under its self-framed charter the action was not maintainable because of a section thereof requiring, as a condition precedent to the right of action, a notice to the city manager within thirty days after the damage accrued. Such statutory requirements are uniformly sustained and applied not only by the state courts but by the federal courts as well. The supreme court of Oklahoma, nevertheless, held the provision of the charter was inapplicable, as being in effect an ordinance and not operative beyond the territorial boundaries of the city. The force of the court's ruling that all the provisions of a home-rule charter have no more extensive application than ordinances adopted thereunder is somewhat weakened by the fact that the evidence showed such actual notice to the city authorities of the continuing nuisance that under the circumstances compliance with a statutory requirement of a specific notice of damages would have been deemed unnecessary.

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[13] For extended discussions of this general question, see: Goodnow, F. J., "Municipal Home Rule," Chapters 7–9; Harno, A. J., "Tort Immunity of Municipal Corporations," Illinois Law Review, Dec., 1921; Borchard, E. M., "Government Liability in Tort," Yale Law Review, a series of articles beginning in the Nov., 1924, number; Doddridge, D. W., "Distinction between Governmental and Proprietary Functions of Municipal Corporations," Michigan Law Review, Feb., 1925.

Upon the measure of damages in an action for injuries to the lands of a lower riparian owner resulting from pollution of the stream by city sewage, see Mitchell Realty Co. v. West Allis (Wis.), 206 N. W. 193.

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Intoxicating Liquors—Validity of Local Ordinance, Against Selling.—This is the case of State ex rel Strupp v. Anderson (Minn.), 206 N. W. 51. The relator was tried and convicted of selling intoxicating liquors in violation of a municipal ordinance and sentenced to imprisonment for sixty days. The state prohibition statute states that the act suspends "all laws or parts of laws, ordinances and charter provisions" inconsistant therewith. By the home-rule charter of the city, the council is given "full power and authority" to enact and enforce ordinances "for the government and good order of the city, for the suppression of vice and intemperance and for the prevention of crime" and to "impose penalties and punishments by fine, imprisonment or both." The court held that the ordinance was within the power of the city, was a separate offense cognizable under the local police power, and remanded the relator to the custody of the sheriff to serve the remainder of his sentence. Under this decision, the relator might also be subject to prosecution and conviction under the state statute as well as under the federal laws.

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Nuisance—Permit to Maintain Invalid.—In Averch v. Denver (Colo.), 242 Pac. 47, the plaintiff sought an injunction against his prosecution for violation of a building ordinance by the erection of a packing house, claiming that the ordinance was invalid and that the building had been constructed after a permit had been granted by the building inspector. The court held that the evidence showed the operation of the plant to be deleterious to the health of the neighborhood, and therefore its maintenance was a nuisance and the owner subject to prosecution at common law irrespective of the ordinance. Under these circumstances, he could not invoke the aid of a court of equity to enjoin the prosecution.

*

Public Utility Corporations—Subjection to Municipal Regulation.—In Singer v. Washington Water, Light & Power Co. (Ind.), 149 N. E. 918, a contractor, removing a bridge as part of a street improvement, is held not liable, in the absence of negligence, for damages to the pipes of a public utility company, enjoying a franchise to use the streets for that purpose. A city is without authority to contract away its police or governmental powers and the exercise of the rights granted to the public utility is always subject to the reasonable regulations of the city in performing its absolute duty to improve and maintain its streets. The water company "having had notice of the improvement of the street, and that as part of the improvement the old bridge was to be removed, it was its duty to protect its pipes which were encased in the old bridge"; and in the absence of negligence neither the city or the contractor is liable for damages to the pipes resulting from the removal of the bridge.

GOVERNMENTAL RESEARCH CONFERENCE NOTES

EDITED BY ARCH MANDEL

Newark Bureau of Research of the Chamber of Commerce.—New Jersey now has a law on its statutes, providing for permanent registration in municipalities with a population exceeding 15,000. This bill was passed over the governor's veto. The Newark Bureau of Research, of which John B. Blandford is secretary, prepared the bill and took a leading part in having it enacted into a law.

Following a study of Newark's proposal to build an annex to its City Hall, the Bureau of Research recommended that this plan be abandoned and that a building located on city owned property be used for the purpose. This the administration decided to do.

In order that the traffic, transit and transportation problem might be given proper consideration, the bureau recommended the appointment of a transit commission to act as an authoritative medium for developing and interpreting facts on the problem viewed as a whole, rather than following the usual plan of various committees of laymen presenting the recommendations from time to time, resulting in piece-meal consideration.

Another study under way by the bureau was the question of paving within the trolley track area.

The bureau is continuing its campaign of education for the council-manager plan of government and has now published the third pamphlet.

⁂

Kansas City Public Service Institute.—A report on the county highway department and county road system of Jackson county, Missouri, has recently been issued by the Public Service Institute. The preliminary report deals chiefly with the organization of the county highway department and with the needs of the road system in general. It is planned to follow up the report by operation studies during the summer, having in view the enactment of certain legislation at the next legislature.

A large part of the time of the institute staff during the past two months has been devoted to assisting the new administrative code committee in the preparation of the administrative code and in the preparation of the first budget of the city under the new charter. The changes in the organization of the government under the new charter as compared with the old make the work of preparing the code and the first budget rather complicated. The code, which is now completed, will no doubt be considerably revised when the ordinances of the city are revised, probably during the first year under the charter.

From sources outside the institute, it is learned that this organization, of which Walter Matscheck is director, has done a monumental piece of work in making possible council-manager government for Kansas City. The institute took a leading part from the start and has been an important factor from the writing of the charter to planning the details now of the administration under the new form of government.

⁂

Civic Department of the Kansas City Chamber of Commerce.—Ray Wilson, secretary of this department, reports that a program of matters of fundamental importance bearing upon the local government of the community has been adopted and will guide the studies of the City Government Committee during the year. Cornelius Roach is chairman of the committee.

This program, adopted February 17, includes studies of matters in connection with the transition to the organization proposed by the new charter, home rule for police, regional planning, excess condemnation, extension of city limits, relations with county, city government, registration procedure, election procedure, and legislation governing the type of ballot required in bond elections.

In its studies the committee is having the coöperation of the Kansas City Public Service Institute, "the community's fact-finding agency." Walter Matscheck, director of the institute, is a member of the committee and has made available technical studies which this agency has made on each of the subjects contained in the program.

⁂

Duluth Taxpayers' League.—Joseph F. Base, staff engineer since August 1, 1925, resigned

April 1, to become executive secretary of the Duluth Builders' Exchange.

The city of Duluth is voting on several amendments to the city charter which will provide an aldermanic form of government. The Taxpayers' League is attempting to prevent this election by injunction proceedings.

Another vigorous protest under way by the league is in connection with the opening of a street, for which the council plans to spend $300,000 more than is necessary, according to a report of the league.

✤

The Toronto Bureau of Municipal Research.—The bureau printed and published an open letter that had been presented to the members of the council, urging them to have a thorough survey of the civic personnel with standardization of work and pay, instead of haphazard salary increases. It is interesting to note that the council has accepted the policy of a survey being made and has asked the board of control to appoint the committee.

A booklet dealing with the work of the bureau since its inception is now in course of preparation. The bureau has during the month co-operated with a number of organizations, business houses and citizens by supplying information on various civic subjects.

✤

Citizens' Research Institute of Canada.—The institute issued a tax conference report, entitled "Dominion Income Tax Reduction; Can we afford to do it? or Can we afford to do without it?" This report, quoting authorative figures from several other countries, furnished proof that a reduction of income tax rates does not necessarily mean a proportionate reduction in revenue.

The second of the annual series, "Cost of Government in Canada, Provincial," has been issued. The third of the series, "Federal," is in course of preparation and will be issued during the next few weeks.

A booklet dealing with the work of the institute since its inception is in course of preparation.

The institute has supplied information relative to assessment, taxation, municipal statistics and educational matters, etc., to boards of trade, chambers of commerce, financial and business houses; also, individual citizens from all over the Dominion.

✤

New York National Institute of Public Administration.—Dr. Carl E. McCombs has been appointed a member of the Special Committee of the American Hospital Association on County Hospitals. The committee is to make a general study of county hospitals in the United States and make recommendations for action by the American Hospital Association. An article by Dr. McCombs entitled, "Raising City and County Hospital Standards," was published in the *Modern Hospital* for February, 1926.

William Watson has resumed his study of financial procedure in the city courts of Philadelphia, for the Philadelphia Bureau of Municipal Research. The institute has published a *Bibliography of Public Administration*, which lists the outstanding works on the subject, that have appeared during the past ten years. It contains about 5,000 entries of books, periodicals and selected magazine articles.

The institute will issue in the near future a monograph by Clarence Heer entitled, "The Post War Expansion of State Expenditures." This is one of the series of studies of public administration to be issued by the institute from time to time.

The first two sections of the report of the New York State Joint Legislative Committee on Taxation and Retrenchment have appeared. Luther Gulick was executive secretary for the committee, and A. E. Buck, chief of research staff. Part one deals with State Expenditures, Tax Burden and Wealth. Part two is a study of the Gasoline Tax. These reports are listed as Legislative Documents, 1926, Nos. 68 and 69.

The graduate students from the School of Citizenship of Syracuse University are spending six weeks at the institute, for a course of lectures by the members of the staff.

✤

Bureau of Municipal Research of Philadelphia.—The Philadelphia Bureau in the further prosecution of the survey of the municipal court of Philadelphia, which is being financed by the Thomas Skelton Harrison Foundation, has engaged William Watson of the New York Bureau to survey the court's department of accounts, its bureau of delinquent accounts, and its purchasing procedure.

✤

Toledo Commission of Publicity and Efficiency.—Virgil Sheppard, formerly instructor of government at the University of Toledo, has been appointed secretary to the Commission of Publicity and Efficiency of Toledo, to fill the vacancy created when C. A. Crosser accepted a position with the Des Moines Bureau of Municipal Research.

Mr. Crosser's last piece of work as secretary to the commission was a report on the functioning of the Toledo police department. Because the report surveyed crime conditions and causes of crime and also hinted that a segregated vice district would better vice conditions in Toledo, it has created quite a stir locally and in other cities.

Copies of the report can be obtained from the Toledo Commission of Publicity and Efficiency.

*

New Bedford, Mass., Taxpayers' Association.—This city, on April 1, launched the New Bedford Taxpayers' Association, of which Hart Cummin, lately with the El Paso Chamber of Commerce, is the director. The address of the association is 508 Pleasant Street, New Bedford, Mass. Please place on your mailing list.

*

Citizens' Bureau of Milwaukee—The city of West Allis, a suburb of Milwaukee with a population of about 20,000, voted on a new charter providing for a city manager and a council elected by proportional representation, on April 6. West Allis is the first city in Wisconsin to take advantage of the home rule privilege (passed by the 1925 legislature), granting cities of Wisconsin the power to draft and adopt a charter independent of the state legislature.

The city manager-proportional representation movement in West Allis began as the result of the usual dissatisfaction on the part of a few citizens with the administration of the city's affairs. This small group with a hunch that something was wrong asked the Citizens' Bureau of Milwaukee to make a survey of the municipal government. The Citizens' Bureau reported that the administration had been spending, for several years, more than its income; that the bonded debt limit had been disregarded; and called attention to numerous defects in the rendering of governmental services to the community. After it had been pointed out to the administration that the city had over bonded itself, the officials conceived the bright idea of increasing the assessment by one-third, thereby achieving two results: first, bringing the city's debt within legal bounds; and second, reducing the tax rate at the same time permitting the appropriation of more money than the previous year.

These citizens of West Allis agreed that it was a waste of time to try to introduce constructive changes as long as the present personnel of the City Hall were in office. They therefore requested the Citizens' Bureau to draft a brief charter providing simply for a city manager to be hired by a council of five, which should be elected by the Hare system of proportional representation.

The obtaining of a sufficient number of signatures was crammed into the short space of two days, so that the petition for a new charter could be submitted to the council in time to be placed on the spring ballot. The Wisconsin statutes provide that the council must either pass a petition without alteration within thirty days, or submit the proposal without alteration to the electors of the city at the next regular election if one is to be held not less than forty days after such date. The council accordingly exercised its right to delay the movement thirty days, which forced the vote on the question of the adoption of the city manager charter to occur at the same election when the usual election of aldermen and mayor, as well as the other executive officials, including the city treasurer, city controller, assessors, justices of the peace, city attorney, took place.

Six weeks prior to the date of the election, Walter J. Millard, field representative of the National Municipal League and the Proportional Representation League, was obtained to organize the proponents of city reorganization. A permanent civic council, which will function regardless of the fate of the city manager charter, has been organized. This body is fairly representative of the many civic, religious, and economic groups in the city. An opposing body, known as the Protective League, the tool of the present city officials, has been organized as well.

The greatest difficulties visible when this was written are the possible injection of the "wet-and-dry" issue into the new charter campaign; the possibility that the attempt to obtain a better type of mayor and council sponsored by the supporters of the new campaign may result in the neglect of the charter campaign itself,—their object being, of course, that should the city manager campaign fail, they would not find themselves in as bad straits as they have been in at some times during recent years. Finally, the Federated Trades Council which represents organized labor in Milwaukee county, of which West Allis is a part, went unanimously on record against the city manager plan and proportional representation.

NOTES AND EVENTS

Detroit Adopts Land Value Maps.—The Detroit board of assessors has published this year for the first time a complete set of land value maps comprising sixty-four districts. One thousand maps are being made available to property owners in each district for study and criticism before final values are fixed. The Detroit Bureau of Governmental Research has co-operated actively with the assessors in the preparation of the maps.

*

Boston Chamber of Commerce Urges Continuance of Public Control of the Elevated.—A special committee of the Boston Chamber of Commerce recommends that the Boston elevated remain under public control. The committee believes that under ordinary circumstances a return to private control would be best. At the present time, however, a continuance of public control, which will make it possible to obtain new capital to improve the present grade of service, is thought to be the most practicable policy for the legislature to adopt.

*

To Study City Manager Government.—L. D. White, professor of public administration at the University of Chicago, has begun a study of city manager government in which he will be fully occupied for the next six months. His plan is to study the office of city manager as a good illustration of the newer type of professional administrative work growing up in our government systems. Mr. White is now making a visit to twenty-eight cities collecting material for his report.

*

Municipal Railway Employees Denied Wage Increase.—The request of the employees of the San Francisco Municipal Railway for a wage increase amounting to 60 cents per day per man was denied by the committee of the Board of Supervisors to whom the matter was referred, on the ground that the increased costs, amounting approximately to $225,000 per year, would lead to a deficit. The committee stated that the present wage scale was inadequate and that it had earnestly hoped to be able to recommend an increase, but that this was manifestly impossible under the present five-cent fare.

Milk Adulteration Uncovered in New York.—Health Commissioner Louis I. Harris has disclosed the unpleasant fact that more than a million quarts of milk daily, or one-third of New York City's consumption, has been watered or otherwise diluted, and that the adulteration has been made possible by collusion between the milk dealers and officials of the health department. The graft has been going on for a two-year period. Independent dealers of "loose" milk only are involved, and no suspicion attaches to the large distributing companies. According to Commissioner Harris, milk dealers who adulterated the milk have paid a monthly stipend to a go-between for protection from health department interference. Most of the milk thus adulterated was consumed by poor people.

Commissioner Harris is an official of high standing, and he has promised a thorough investigation with full punishment of guilty persons.

*

Traffic Offenders Automatically Punished.—Operation of a "pay-as-you-violate" traffic bureau in Kansas City has been so effective as to receive commendation by the National Conference on Street and Highway Safety which recently met in Washington. Police officials say the system is the best ever tried in Kansas City and has received attention in other cities of the United States.

Within less than one year there has been collected through the bureau a total of approximately $100,000, which has been paid into the city treasury. The largest amount collected under other systems in any previous year was $2,500.

The plan in operation in Kansas City leaves the matter of appearing to answer a traffic violation charge of the large class of minor offenses, primarily to the motorist. The traffic bureau is in control of the police department. In the case of a violation the motorist is given a card with his particular offense checked on a list.

Where the owner or driver of a vehicle is absent, the card merely is placed in the car. It advises the offender that he is to appear before the traffic bureau and answer to the charge. The fine for each offense is given on the card. The motorist, if he pleads guilty, pays the fine and departs. If he wishes a hearing he gets it. Only about 5 per cent of the traffic cases are appealed to the police courts.

A motorist is subject to arrest only when he repeatedly ignores the cards. Police officials say the system is much better than the old plan which permitted favors, often political in nature, to persons arrested or tagged for traffic violations.

A similar violation bureau has been in operation in Detroit for almost two years with marked success. The Detroit experience was related by S. E. Rose in the REVIEW for March, 1925.

✣

Cooke County Savings Through Improved Efficiency.—In December, 1922, Cooke county, in which Chicago is located, began an efficiency and economy program retaining J. L. Jacobs and Company as advisers. The program was divided into two parts, that which could be accomplished without state legislative action and that which required such action.

The achievements to date, accomplished without legislative action, are summarized as follows in a report submitted to the county board:

(1) Adoption of labor-saving devices and methods and elimination of unnecessary positions resulting in improved services at net money savings of approximately $875,000 annually, an aggregate net saving of over $2,430,000 between 1923 and 1926. These measures hold promise of greater economies and progress in the co-operating departments.

(2) Enlargement of needy social service and institutional work, the addition of new services and additional obligations imposed by new laws at an added cost of approximately $2,250,000 annually, along with provision of increased salaries to employes aggregating over $365,000 in the two years of 1924 and 1925 and an additional increase of over $308,000 for the nine months in 1926.

(3) Voluntary 10 per cent reduction in 1924 corporate taxes netting a saving of $925,000 to taxpayers in 1924 and reduction of over $40,000 in interest on tax anticipation warrants for that year.

(4) Reduction in the amounts owed by the county for outstanding accounts and warrants on loans for interest and principal on bonds from a total of $2,021,941.34 at the end of 1922 to a total of $410,890.30 at the beginning of 1925 ($482,890.30 liabilities outstanding less $72,000.00 cash on hand in the treasury).

(5) As against average annual increase of approximately 7.3 per cent for each year between 1912 and 1922 in total corporate operating expenses (exclusive of bond interest and election fund payments), there was a net decrease in the grand total county corporate operating appropriations of 0.1 per cent in 1925 over 1924. The 7.3 per cent average increase amounted to approximately $1,100,000 annually.

The means by which these savings were accomplished include the adjustment and rearrangement of help in all the county departments, the substitution of mechanical for longhand methods in preparing the voluminous tax records and bills, the use of the photographic process in making permanent and certified records of documents in the recorder's office and offices of the clerks of the courts, and the adoption of improved organization and office methods and procedures in other departments.

The plans for 1926 comprehend further development of efficiency methods along similar lines. The uncompleted legislative program includes the establishment of comprehensive civil service for all county employees, a consolidated department of fee collections and deposits, adjustment of fees to make them commensurate with services rendered, consolidation of separate local government agencies and a shorter ballot.

✣

Many Cities in Pennsylvania Adopt Zoning.—Zoning of cities and towns as a stimulus to modern urban development and a protection to the home-owner is one of the most popular movements in Pennsylvania, according to information collected by the Pennsylvania Housing and Town Planning Association.

This form of municipal improvement is progressing by leaps and bounds everywhere. In the United States to-day over 30,000,000 people reside in 422 definitely zoned municipalities. In Pennsylvania alone 27 municipalities have adopted zoning during the past three years.

This new method of protecting property-owners started in Pennsylvania with a comprehensive zoning ordinance being adopted in Pittsburgh in 1923. Three other municipalities, Scranton, Narberth and Oil City, were zoned in 1924. However, the movement did not get in full swing in this state until 1925, when 19 more cities, boroughs and a first-class township were zoned. This list includes Aldan, Beaver, Bellevue, Ben Avon, Chester, Connellsville, Edgewood, Edgeworth, Emsworth, Farrell, Haverford Township, Ingram, Monaca, Monessen, New Castle, Prospect Park, Sewickley, Swissvale, and Westview.

The year 1926 promises to bring many more cities under this form of protection as indicated by the fact that since January the town councils of Bethlehem, Johnstown, Crafton and Landsdowne have adopted zoning ordinances by overwhelming majorities.

There are now 1,152,800 people in Pennsylvania, or one-eighth of the state's population, enjoying the protection of zoning. These people live in twelve different counties and represent second-class cities, third-class cities, boroughs and first-class townships, or all leading forms of governments in the state except a first-class city. Philadelphia, the only first-class city in the state, has thus far neglected to protect its citizens with the zoning power granted by the state legislature to all municipalities.

By neglecting to zone, Philadelphia has permitted many of its most beautiful residential neighborhoods to be converted into semi-commercial districts with a corresponding depreciation of residential values.

The zoning law of Pennsylvania permits municipalities to adopt and enforce ordinances regulating location and use of buildings, the percentage of lot to be occupied, size of yards, courts and open spaces, and building lines to be observed in new construction. It allows the town council to determine by ordinance what districts or zones the municipality will have in which dwellings alone may be built, zones in which offices, stores and business establishments may be permitted, and finally to set aside certain areas in which heavy industrial plants may be operated.

✣

Housing Shortage in Great Britain.—Professor John J. Clarke, in a lecture published in a recent issue of the *Town Planning Review* (Liverpool), estimates that Great Britain is short to-day 1,144,959 houses. "It would," he states, "appear to be impossible to build houses that are really needed in the numbers that are needed . . . through the agencies of the present building trade, with its present supply of craftsmen, or possibly through the use of existing building materials." With respect to materials, which are from 200 to 300 per cent higher than in 1914, Professor Clarke suggests the adoption of an anti-trust act similar to our Sherman act and the purchase of materials for state-aided projects by a board of works and public buildings. This board would be effective, he thinks, in bringing about more economical mass production and standardization of parts.

But the most startling limiting factor, and one which seems morally wrong, is the artificial shortage in labor supply created by the restrictive practices of the building trade unions. The number of men laboring to-day in the building industry is only 60 per cent of the number engaged in 1911, and this number continues to decline. The number of skilled craftsmen is about 50 per cent of the number in 1911. Incredible as it may seem, this decrease exists at a time when there are 1,250,000 unemployed persons enrolled in the registers of the employment exchanges. The age of most of these unemployed falls between eighteen and thirty-five years, ages at which they are adapted to entering the building trade as laborers and apprentices. There are thousands of builder's laborers, who may be regarded as semi-skilled in the trades, who could readily become fully qualified if they were given the opportunity, but they are rigidly excluded although the industry is sadly in need of workers. All these are barred by trade union leaders who, in company with some manufacturers and employers, have tasted the sweets of monopoly profits when supply is artificially limited.

It seems impossible that such a situation should be allowed to continue for an instant. At present Great Britain is engaged in pauperizing thousands of her people by the payment of millions in doles to able-bodied people out of work.

And all this is taking place at a time when 363,000 additional craftsmen are needed to bring the number engaged in the building trades up to which it was in 1911; and the new building requirements are double what they were then.

From Professor Clarke's cogent description it would appear incontrovertible that the British housing shortage, which has pestered each government since the war, can never be alleviated until the authorities have the courage to put an end to profiteering in both labor and materials.

✣

Vienna Now a City-State.—Those who attend the Conference of the International Federation for Town and Country Planning in the autumn of this year will visit a city which has undergone vast changes from the proud position it but recently occupied among the capitals of Europe. It is now a city-state, being both a municipality and a province; the city council is also a parliament.

A recent report to the League of Nations upon the economic condition of Austria bore high testimony to the efficiency of the government of Vienna which was said to be at once progressive and economical; and we are indebted to the London *Municipal Journal* for a comprehensive summary of this report.

Pre-war Vienna was a cosmopolitan city of oriental splendor which drew wealth from a great empire and visitors from all parts of the world. Now it is the capital of a small impoverished republic with six million inhabitants and is ruled by the social-democratic party. Under the old system the mayor could be appointed only by the approval of the emperor and the city council had little discretion. Now the franchise is free to both sexes and proportional representation has been introduced. The council consists of 120 elected members with a burgomaster selected by it. There are eight administrative departments each under the control of an administrative alderman responsible to the council. The city council is also a provincial diet and the burgomaster is the provincial governor.

The public utilities have been thoroughly socialized. By acquiring a coal mine and making use of water power the rates for electricity have been reduced to what are said to be the lowest in the world. The municipal gas works have also reduced rates to a level of 22½ per cent less than pre-war days although the foreign coal with which the works operate is 62½ per cent higher. The water supply has been increased and sixty pints are allowed free daily to every person so that about two-thirds of the population have no water account to pay. The tramway system has been extended and a uniform fare of about three cents is charged which is less than the fare for the shortest distance in pre-war days. The city maintains municipal markets and operates a large brewery at a profit.

A special feature of the social-democratic government now in power in Vienna is the municipality's partnership in business in addition to the public utility undertakings into which it has entered. The municipality to-day has an interest in seventy-one undertakings, some of which it owns completely while in others its investment is small. The report to the League of Nations does not state how successful has been the investment of public money in private enterprises, but it would seem that when a municipality does not own a majority of the stock it is at the mercy of the private stockholders.

It is stated that the city council has improved health conditions by a better system of sanitation and by providing welfare centers, school clinics, health visitors and the like. Many thousands of houses have been erected under subsidies to private co-operative societies, the municipalities providing the building materials and the execution of the work being entrusted to private builders.

The city is heavily taxed. There are heavy luxury taxes. A 15 per cent tax on restaurant meals and drinks alone yields about $800,000 annually. There are also taxes on servants, motor cars and entertainments, and a heavy income tax on wages and salaries which is described as the backbone of the financial system. In 1925 this tax yielded about $9,000,000. There seems to be no general land tax. There is, however, an increment value tax on land based on the valuation as of January 1, 1903. It is a progressive tax beginning at 10 per cent and in 1925 yielded about $1,000,000. There is also a graduated tax on the rental value of houses which is said to be the only impost which directly burdens Vienna dwellers and work places.

As might be expected under a socialist council, the municipal employes have complete freedom of combination. They are organized into nine groups, and their rights and duties are embodied in general service regulations which cannot be altered except by agreement with a committee consisting of delegates from the city council and representatives of the administrative staff. In matters of discipline the decision is left to a committee composed of equal numbers from both sides. The social democratic control of city government can work radical changes in the older conservative form. Much which it has done can be viewed as only experimental, but the results deserve careful attention and analysis by municipalities throughout the world.

An opportunity to observe the methods by which and the success with which Vienna is extricating herself from the ruin of war is not the least attraction to Americans to attend the International Conference of Town and Country Planning.

✤

Financial Statistics of City Government, 1924.—The department of commerce announces a summary of the financial transactions of the 248 cities having a population of over 30,000 for the fiscal year 1924.

The payments for maintenance and operation of the general departments of the city governments of the 248 cities for the fiscal period 1924 amounted to $1,429,749,082, or $35.76 per capita. In 1923 the comparative per capita for maintenance and operation of general departments was $34.15, and in 1917, $19.07. Payments for the operation of public service enterprises, as water works, electric light plants, and similar enterprises, amounted to $139,927,533; interest on debt, $242,373,253; and outlays for permanent improvements, including those for public service enterprises, $829,747,910. The total payments in 1924, therefore, were $2,641,797,778; in 1923, $2,361,049,079; and in 1917, $1,108,021,565. The per capita net governmental-cost payments for expenses and interest for 146 cities covered by the various census reports since 1903 were $45.62 in 1924, $43.65 in 1923, $24.58 in 1917, and $16.41 in 1903. The totals include all payments for the year, whether made from current revenues or from the proceeds of bond issues. Proceeds from the issuance of debt obligations are not considered revenue receipts.

Of the total municipal payments in 1924, 54.1 per cent was for operation and maintenance of general departments; 5.3 per cent, operation and maintenance of public service enterprises; 9.2 per cent, interest on debt; and 31.4 per cent, outlays for permanent improvements.

Of the payments for maintenance and operation of general departments, 39.1 per cent was for education; 20.1 per cent, protection to person and property; 8.7 per cent, highways; 8.4 per cent, general government; 7.6 per cent, sanitation of promotion of cleanliness; 5.8 per cent, charities, hospitals, and corrections; 4.7 per cent, miscellaneous; 3.2 per cent, recreation; and 2.4 per cent, conservation of health.

Of the total payments for outlays for permanent improvements, the principal items were $249,391,298, or 30.0 per cent, for highways; $217,089,810, or 26.1 per cent, for education; and $175,339,575, or 21.1 per cent, for public service enterprises.

REVENUES

The total revenue receipts of the 248 cities for 1924 were $2,322,572,536, or $58.09 per capita. This was $510,522,668 more than the total payments of the year exclusive of the payments for permanent improvements, but $319,225,242 less than the total payments including those for permanent improvements. The revenue receipts included $1,491,234,371 from general property taxes; $55,039,798 from special taxes; $66,287,711 from licenses; $147,780,409 from special assessments; $123,445,210 from subventions, donations, and pension assessments; $112,938,402 from interest, rents, and highway privileges; $240,668,407 from earnings of public service enterprises; and $85,178,228, the remainder, from poll taxes, fines, forfeits, and escheats, and earnings of general departments. The per capita net revenue receipts of 146 cities covered by the various census reports were $58.41 in 1924, $54.78 in 1923, $31.97 in 1917, and $21.14 in 1903.

The net indebtedness (funded or fixed debt less sinking fund assets) of the 248 cities amounted to $4,226,496,952, or $105.71 per capita, in 1924. The per capita net debt of 146 cities covered by the various census reports was $110.09 in 1924, $103.34 in 1923, $80.75 in 1917, and $44.71 in 1903.

For 1924 the assessed valuation of property subject to ad valorem taxation for city purposes was $59,460,859,827 for the 248 cities having over 30,000 population; and the amount of taxes levied was $1,557,550,094, or $38.96 per capita.

These statistics cover the government of the city corporation proper, and also independent school districts, sanitary districts, park districts, and other independent districts practically coextensive with the cities. They also include a per cent of the financial transactions, debt, and tax levies of the county governments for cities having over 300,000 population, in order that the statistics for such cities may be comparable with those for other cities in this class in which the ordinary county functions are performed by the city government.

◆

The Special Session of the Michigan Legislature.—Pursuant to a proclamation of Governor Alex J. Groesbeck dated February 3, 1926, the legislature of Michigan met in special session on February 16, 1926. It was one of the warmest meetings in recent years and there were a number of lively struggles which a reading of the journal will not disclose. The anti-Groesbeck forces in the legislature, particularly in the house, endeavored to thwart the governor's plans, but the results of the session give clear proof that the governor is still the master of the political situation. In fact, even the factions opposing him will admit in their franker moments that he at least is a constructive leader.

The constitution of Michigan provides that only those subjects submitted by the governor at a special session may be considered by the legislature. But the governor was not obdurate to reasonable suggestions, and in four different messages he authorized legislation on twenty-eight matters of current interest and importance. The prime reason for calling the special session, however, was to secure legislative sanction for a contract which had been arranged between the state and the Grand Trunk Railway, and also to pass legislation to meet what the governor considered an emergency in highway matters.

Several matters of importance were acted upon by the legislature, and one act in particular will be of permanent benefit to the state, namely, the act authorizing the proper state officers to contract with the Grand Trunk Railway for the termination of the special charter held since 1834 by the Detroit, Grand Haven and Milwaukee Railroad, a subsidiary of the Grand Trunk system. This railroad is the only one in Michigan which still operates under a special charter. By virtue of this charter, the railroad has been paying about $25,000 annually in taxes instead of at least $350,000 which it would have to pay if it came under the general railroad law. Under the bill passed by the special session, the charter is revoked as soon as the terms of the contract have been complied with. The contract provides that the state shall buy a new right of way for the railroad line at a point north of Detroit and pay for the removal of the tracks, the full cost to be returned to the state by the railroad at the rate of $200,000 a year. The exact terms of the contract were kept secret because the purchase of real estate was involved, and it was naturally not desired to make public the location of the land which was to be bought.

The governor's favorite measure, known as the Kirby bill, permitting the amortization of the state reward debt to the counties over a period of years, was passed. This will make enough money available to meet a federal aid payment and thus provide for the continuance of the state highway construction program. Appropriations for the erection of a library and administrative building at the Central Michigan Normal School at Mount Pleasant, for the completion of the new Michigan state prison at Jackson, and for the continuance of a project originally started before the war for a Training School for Women at Okemos, were enacted and approved by the governor. The latter project was passed on the day of the final adjournment at the earnest solicitation of the State Federation of Women's Clubs.

Among the other important measures of the special session were: an act providing for the appointment of a commission to inquire into and investigate criminal court procedure in the state and to recommend changes in such procedure; an act creating a commission to make inquiry into the receipts and disbursements of the Michigan Patriotic Fund which had been transferred to the American Legion; an act authorizing a legislative committee to locate and purchase a site for a state tuberculosis sanatorium; an act sponsored by Representative Sink which makes it illegal for airplanes to operate at heights less than 1,500 feet above open air assemblies of people; and an act which gives the counties the right to escape from the bonding frenzy by establishing sinking funds for the construction or repair of public buildings.

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THE LEAGUE'S BUSINESS

The Thirty-Second Annual Meeting To Be Held in St. Louis.—The council has unanimously decided to accept the cordial invitation of our friends in St. Louis to hold our thirty-second annual meeting there. The time will be early in November.

More details in the next issue.

⁂

Baldwin Prize Subjects for 1927.—The League's committee on prizes, Professor Edwin A. Cottrell, chairman, announces the following subjects for the Baldwin Prize for 1927:

Progress in Municipal Home Rule Since 1900.
The Development of Municipal Reporting in City Manager Cities.
Have Proportional Representation Elections Fulfilled Expectations?
Should a Personnel Director Chosen by the Executive Replace the Civil Service Commission in Municipal Government?
Should American Cities Return to the Ward System of Electing Members of the Council?

⁂

Successful Budget Conference.—The first budget conference sponsored by the League was held on April 22 and 23 and attended by twenty budget officers and experts. It was in a sense an experiment. That it was successful is evidenced by the resolution naming A. E. Buck as chairman to carry on further discussion of the moot points in the NATIONAL MUNICIPAL REVIEW and to consider the holding of a second conference next year.

⁂

Progress of Model Bond Law.—The committee drafting the model bond law, Mr. Pforzheimer, chairman, and C. E. Rightor and John S. Rae, secretaries, has about completed its work.

After considerable discussion the committee decided to permit the sale of bonds at a discount not to exceed three per cent. It was realized that municipal officials often fear criticism if the city's bonds do not bring at least par, but the market advantage of discount bonds under certain circumstances is so clear that it was felt that cities should be allowed to take advantage of it if they wish.

Municipal officials often claim glory for themselves because of the premiums which the city's bonds bring in the market, because the public rarely understand that this is due to an unnecessarily high interest rate rather than to the exceptional credit position of the municipality. What is not realized is that bonds sold above par incur the psychological resistance of purchasers who are inclined to think that a bond at a discount is a bargain and who will accept a lower price for their money than in the case of premiums bonds. Bonds issued at an interest rate above the market will bring a premium but the selling resistance they encounter makes them expensive to the taxpayer.

Under a resolution of the council the committee will next proceed to draft a model state law relating to municipal budgets and budget practice. C. E. Rightor of Detroit will continue to act as secretary. During the deliberations it became clear that sound bonding practice cannot be divorced from budget procedure. How far the state should go in supervising the budget of municipalities is, however, debatable and the committee has some interesting, if not stormy, days ahead of it.

NATIONAL MUNICIPAL REVIEW

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EDITORIAL COMMENT

The legal soundness of the Kansas City manager charter is now established, all efforts to have it declared void in both the state and federal courts having failed. The fight was being carried on by city job holders who raised a fund of $11,000 to prevent a change of government through court proceedings.

*

The recent report of the Free Public Baths Commission of Baltimore shows that during 1925 the indoor shower baths maintained by the city were used by 1,104,925 persons. In the same period 25,925 used the public laundries. The zeal for cleanliness seems to be increasing, inasmuch as the total number of persons were more than 100,000 greater than for the previous year. The charge of five cents for towel and soap brought in $28,000 and materially reduced the cost of operating the baths.

*

A newspaper writer, commenting on the results of the consolidation of Union Hill and West Hoboken into Union City, New Jersey, points out that taxes were reduced in one section $2.70 and in the other section $6.30 per thousand dollars of assessed valuation. He believes that the big drop in the tax rate speaks eloquently of the fruits of consolidation. "If such a substantial drop can be brought about by the merger of only two of the thirteen municipalities in Hudson County, what may not the savings in taxes be," he asks, "through consolidation of all the municipalities in the county?"

This leads M. N. Baker to ask how many municipalities would have to be consolidated to reduce the tax rate to zero or produce a cash dividend for the citizens.

*

Banks and Public Funds

It is generally assumed that banks are anxious to become depositaries of public funds and that governmental accounts are highly profitable. Certainly public deposits, to quote a recent writer, have been a poisonous element in our practical politics. Allocation of funds among banks has been tied up to the patronage system and occasionally serious scandals grow out of the misuse of such funds by politicians and political bankers. A recent case of county deposits used to finance the speculations of a prominent churchman was reported by Martin L. Faust in the REVIEW for January last.

But, according to a writer in the *American Bankers Association Journal*, there is another side to the picture. The average bank loses money on its public deposits, and the number of banks who refuse to accept them is steadily increasing. The reason is that wise bankers will not pay the price required to secure these funds. Custom and law compel a bank to extend services to states and municipalities which, if extended to all customers, would be the ruin of the bank. Thus public depositaries will pay losing rates of interest on daily balances, enter into ruinous bidding contests for public funds and incur the expense of putting up bonds or other forms of surety to guarantee the deposits. No such favors would be extended to private concerns, and the writer believes that it is time for the country banks to awake to the abuses they have brought upon themselves through their misguided zeal for a greater volume of business.

*

Where Shall New Highways and Transit Lines Be Located? Mr. Turner, writing in this issue on the vicious circle of transit development and city congestion, calls a halt to efforts to relieve traffic conditions by the further construction of rapid transit facilities parallel to existing lines. New lines are congested almost the moment they are opened, with no relief to the older services. The potential possibilities in the use of land are almost unlimited because of lack of adequate building restrictions. New transit lines turn these potentialities into actualities and the vicious circle is begun.

There is sound common sense in Mr. Turner's advice. He wants New York to change its transit construction policy and build new lines, not in already congested Manhattan, but in the outlying unbuilt areas. Such development will tend to decentralize population and encourage new centers of business, but coincident with this must come more severe restriction on building operations to control the intensity of land utilization.

The obvious thing, of course, is what New York is doing at the moment, building a third subway the length of Manhattan Island to relieve the two existing lines, which had in turn had been constructed to relieve the elevated railways. But unfortunately the obvious thing is not what needs to be done.

And now it seems that a similar superficial remedy is to be applied to vehicular traffic. Governor Smith has signed a bill authorizing the construction of an elevated express highway for motor cars to run along the Hudson River from Canal Street to West Seventy-second Street. The cost will be about $11,000,000. The roadway will be 65 feet wide; sufficient for six lanes of travel. There will be no cross traffic and a speed of over thirty miles per hour will be possible. Ramps to the ground level will be constructed at several points. Automobiles will be able to make better time than the subway and elevated trains.

The elevated highway is to be hurried because of the Holland Vehicular Tunnel under the Hudson, now approaching completion, with its New York terminal at Canal Street. In anticipation of the opening of the tunnel, real estate development has begun in the vicinity of Canal Street with accompanying increase in traffic congestion. The tunnel will necessitate several street openings, and the express highway is required to overcome the chaos which otherwise is bound to occur.

And so the blind process goes on. We build a tunnel to relieve existing methods of transport across the Hudson, and at once must devise new schemes for keeping our heads above the flood which we have brought. Undoubtedly it is a vicious circle.

CRIME AND POLITICAL CORRUPTION IN CHICAGO

FACTS VERSUS MELODRAMA

BY VICTOR S. YARROS

The recent flurry in Washington advertised Chicago as the National crime center. Is the reputation deserved? Are their peculiar forces at work there? Is the Volstead Act responsible?

A priori, it is safe to say, no serious student of social and political problems would be at all likely to conclude that one American city would be more lawless, more corrupt and more vicious than any other American city of the same general class. "Like causes, like results", is a scientific truism. The factors which produce crime, unclean politics and graft in Chicago yield exactly the same noxious crops in New York, Philadelphia, Boston, Detroit, Cleveland, St. Louis.

How, then, does it happen that a civic association organized to promote good local government in Chicago deemed it necessary and proper to paint the western metropolis as the most wicked and lawless city in the United States, to despair of all local reform efforts and send a deputation to Washington to invoke federal intervention—or, at least, a senate (instead of a local grand jury) investigation of the alleged appalling crime and vice situation in Chicago?

The answer is simple enough—the best of us make mistakes. The Chicago Better Government Association, in urging a senate investigation of Chicago conditions, did not intend to cast any unfair reflections on the city, or on the Dever administration, though it did attack, by implication, the present state's attorney of Cook county and did charge the police department with graft and with protection of bootleggers and beer-manufacturers. The outcry against the association was ill-advised and thoughtless, however. Its indiscretion was venial and slight, and the general and indignant resentment of its alleged terrible defamation and misrepresentation of Chicago seemed to many of us here distinctly theatrical and thoughtless.

CONDITIONS ARE BAD, BUT NO WORSE THAN ELSEWHERE —BOOTLEGGERS

There is no reason to suppose that the situation in Chicago in respect of crime, criminal vice, booze and political corruption is worse than elsewhere, though it is bad enough in all conscience. Enlightened men of affairs, prominent lawyers, independent judges and sober-minded social and civic workers say the same things in letters or private conversations, which the Better Government Association ventured to say, as it were, from the Washington housetops; and the sober-minded say it with quite as much passion and heat. What, however, are the facts and figures?

There are, of course, no adequate, trustworthy figures or official data concerning the business of liquor selling and bootlegging. But certain facts are known, and from them certain inferences may be rightly and safely drawn. There are many active and prosperous bootleggers in Chicago. They visit office buildings and fine apartment hotels, and offer long and alluring price lists. Not a few of them assure one that they have police officers on their payrolls. That is not at all improbable. Evidence of the alleged fact is occasionally discovered, but quickly suppressed by higher officials. Again, in foreign sections of the city wine is made in, literally, thousands of homes, and some of it is served at the foreign restaurants. Policemen are aware of these conditions, and presumably are paid for pretended ignorance and blindness. Only the preternaturally naïve believe that Chicago is dry. It is not dry and never will be. There is drinking in respectable homes, on railroad trains, in hotel rooms. University trustees have complained bitterly of the booze and open defiance of prohibition on crowded trains carrying proud parents to the scene of an intercollegiate football contest. Volsteadism is a farce in Chicago, and everybody knows it. The feuds among the rival cliques of bootleggers, beer-runners and smugglers are the result of quarrels over the distribution of territory—spheres of interest—and the purchasable favors of politicians and police officers.

PUNISHMENT MORE CERTAIN —MURDERS

Chicago has had for many years a Crime commission whose function it is to speed up the administration of criminal justice by such means as publicity, education and the gathering and dissemination of accurate data in regard to indictments, trials, convictions and final results in appellate courts in connection with crimes of violence. The commission has been criticised privately and publicly for its alleged timidity; its policy of co-operating with, instead of "knocking," inefficient state's attorneys, judges and grand juries. The commission may be open to just criticism on that score, but its annual reports, at any rate, are not faked to make a case for this or that group of officials. Its conclusions are possibly over-optimistic, but it does not willfully misrepresent facts. Its testimony, therefore, is not unworthy of attention and credence. In its report for the year 1925 it states that there has been a steady increase in the number of convictions and in the actual penalties inflicted for serious crime. It has published the following tables:

Percentage of convictions for five years

1921	24.9
1922	48.37
1923	48.45
1924	55.62
1925	61.53

Percentage of cases punished (probation denied)

1921	24.9
1922	36.75
1923	37.27
1924	41.85
1925	46.19

Mayor Dever's chief of police, Captain Collins, produces figures in support of his assertion that police efficiency has notably increased under his administration of the department; that crime is less safe than formerly, and that the robbery rate has been steadily declining. Chief Collins furnishes the following comparisons:

	Robberies reported	*Robberies cleared up*	*Percentage of latter*
1922	987	331	33
1925	821	683	76

The foregoing tables would seem to indicate progress, not retrogression.

In connection with murder, however, the record is not at all encouraging.

Here are the local figures for six years:

	Murders
1920	194
1921	190
1922	228
1923	270
1924	347
1925	352

"A murder a day," on the average, is what Chicago has come to expect as a matter of course. This is arresting and bad, but how does the Chicago murder rate compare with that of other cities of the same class? F. L. Hoffman, consulting statistician of the Prudential Life Insurance Company, declared recently in an insurance journal that the American "murder record for 1925 was the worst we have thus far made" and that the murder "rate increased in 35 cities, remained unchanged in two, and decreased in forty" in the year under review. The highest murder and homicide rate in that year, according to Mr. Hoffman was not in Chicago, but in Jacksonville, Fla., and Memphis, Tenn. As regards homicide, Chicago led. New York city stood second on the list, and Detroit third.

Evidently, the murder question and the crime question generally are national, not local, questions.

CHICAGO NOT WIDE-OPEN OFFICIALLY —MAYOR DEVER

Of course, any city that adopts a wide-open policy toward illicit liquor selling, gambling, prostitution, prize fighting, medical quackery and fraud, and like evils, must expect an increase in crimes of violence. Dives, blind pigs, speak-easies and brothels are hotbeds of crime. But Chicago has not been wide open in recent years as a matter of municipal policy. On the contrary, every effort has been made to combat commercial vice and professional crime. Although the city council has deteriorated, and too many of its fifty aldermen are of small caliber and low moral quality, it has not been a boodle council. It has been weak, inefficient, unequal to some of its functions, but it has not been cynically corrupt. As to Mayor Dever, Chicago has never had a chief executive of higher ideals and standards. If crime thrives, that melancholy fact is not due to any policy, act or omission of his. It is due to general conditions or factors.

One of these is the widespread contempt for prohibition. Another is heavy immigration of negroes from the South and serious congestion of the negro "pales of settlement." A third is the incompetence of the detective bureau. The city's so-called detectives, with few exceptions, are simple patrolmen of more than average ability and alertness. They never solve crime "mysteries," of which there are many, because they lack the requisite astuteness, adroitness and ingenuity. The department is under the merit system, but no special qualifications are demanded of would-be detectives. When a Sicilian or southern Italian is found murdered, the detectives run around in circles, announce obvious theories and accomplish nothing. When a notorious bootlegger is "bumped off," the detectives advance the subtle guess that a rival bootlegger is responsible for the murder, and with that contribution to the art they remain content.

CRIMINAL JUSTICE POORLY ADMINISTERED

Finally, the administration of criminal justice in Chicago is slow, backward, uncertain, inefficient. The prosecutors often lack real ability. They are selected by men who cherish political ambitions, hope to build powerful machines, and take advice from ward bosses and spoils brigades. The state's attorney, for example, may dream of the mayoralty of Chicago, or the governorship of Illinois, or the federal senatorship, and may interest himself unduly in the political plans and fortunes of his subordinates and protégés, wasting public time and public money during campaigns and totally neglecting his official duties. The judges sitting in the criminal court are often mediocre, timid and good-natured; and patronage-dispensing ward politicians or influential and glib lawyers take full advantage of those frailties. Technicalities, continuances, loose trials, errors, appeals, and reversals, severally combine to deprive the criminal code of its supposed terrors.

Any analysis of the Chicago crime situation would only serve to emphasize the correctness of the contention made above—namely, that there is absolutely nothing unique in the situation. Everywhere in the country there are demands for crime commissions, code revision, court reorganization, procedural reform, elimination of legal technicalities, limitation of appeals. Everywhere there is complaint of sordid politics and spoils in the field of justice. Everywhere there is talk of public apathy, avoidance of jury service, vagaries of electorates, miscarriages of justice. Everywhere the same remedies and preventives are proposed by small groups, and everywhere the citizenry and the legal profession remain supremely indifferent to the whole problem, albeit not unwilling to applaud superficial orators who believe in more hangings, in rebarbarization of society, and in the abolition of the humane parole system.

BETTER ORGANIZATION OF CITIZENS

However, something novel or original *may* be done by Chicago in connection with the crime problem. Thirty-odd civic and business organizations of the city have approved a report of a special citizens' committee which recommends the organization of "The Chicago Association for Criminal Justice" a federal body to be composed of all the existing civic agencies that are engaged in fighting vice or crime. There are several of these, and each has its budget, its supporters, its program and its methods—also its chronic deficit. The idea of federating them, eliminating duplication and waste of effort, adopting a comprehensive plan and giving each component unit a definite task, seems practical and promising.

Jealousies and rivalries have developed, however, and have checked the progress of the plan indicated. Some agencies are opposed to federation and to central control. Others believe that the immediate need is state-wide investigation of crime and criminal procedure rather than federation or agitation. As Chicago is considering a project for a brilliant World's Fair in 1933, to celebrate the city's centennial, and as there is much talk of preparedness for that great enterprise,—of cleaning up the city physically and morally, of making it safer and more attractive for visitors,—something substantial and beneficial *may* possibly result from the conferences on crime and the discussion of ways and means of curbing it. The hope is faint, but perhaps not irrational.

IS THERE A VICIOUS CIRCLE OF TRANSIT DEVELOPMENT AND CITY CONGESTION?

BY DANIEL L. TURNER

Consulting Engineer, New York Transit Commission

Shall we ever catch up in rapid transit construction? No, unless we build decentralizing lines or limit building operations and the extent to which land can be used. :: :: :: :: :: :: ::

Is there a vicious circle of transit development and city congestion?

To help to find the answer to the question I am going to give an outline of our later rapid transit development in New York city. The transit problem in New York has become a perpetual disease and I do not believe that any serum has yet been discovered that will cure it quickly.

FIRST SUBWAY CONGESTED IMMEDIATELY

The first subway construction program was started in 1900. Since that time subway construction has been almost a continuous performance. The city has been building subways intermittently for 26 years, but despite that fact the construction program now is at least 15 years behind needs. I do not believe that we shall ever catch up with our transit requirements.

In 1904, prior to the operation of the first Interborough subway, the elevated lines serving Manhattan, the Bronx, and Brooklyn carried approximately a total of 384 million revenue passengers. The new subway began to operate in 1905. In 1910, after only five years of operation, the total rapid transit traffic had jumped to 725 million passengers. This was a 90 per cent increase or almost a doubling of the traffic in six years. But the astonishing thing about this tremendous growth was that most of it was a new kind of traffic. It consisted mostly of subway riders. Out of the total increase of 341 million passengers in six years the new subway was carrying 269 million of them. Or expressed in another way, in less than five years, the first subway carried as much traffic as it took the Manhattan Elevated System 30 years to develop. The high speed furnished by the express service in the subway was the magnet. Because of it the people were actually induced to ride more than they had ever ridden before. The service was so quick and convenient that one thought nothing of traveling up and downtown, whereas formerly such a trip used up half a day. Furthermore, offices located in the mid-town section were only a few minutes away from downtown. One could travel between the two sections as quickly as he could from building to building downtown where walking was necessary. This spread the office building development and created traffic between the downtown and mid-town sections. In 1904 there were 98 rides

Ed. Note.—This incisive indictment of past transit expansion policies was read in New York at a recent meeting of the Snag Club (an informal group meeting now and then to talk over various methods of getting rid of snags) and is so full of practical sense useful to all cities that The Review is glad to be able to publish it. Mr. Turner needs no introduction to our readers.

per capita on all the rapid transit facilities in the city combined. In 1910 there were 152 rapid transit rides per capita, an increase of over 55 per cent in the rapid transit riding habit in six years. As an illustration of the unexpectedness of this condition of affairs, originally it was thought that the new subway eventually might carry 400,000 passengers per day. It was actually carrying 850,000 per day before it was five years old, and just prior to the East and West Side subway operation it was carrying 1,250,000 per day. In other words, the new subway instead of relieving the congestion, accelerated the traffic increase and in a short time created a worse congestion than before. Therefore almost immediately the city was confronted with the problem of relieving the congestion on the first subway.

DEVELOPMENT FOLLOWS NEW SUBWAY LINE

People swarmed along the new subway line. Along its residential sections it was over-built with housing accommodations almost at once. Also the business district from 59th Street south in Manhattan began to develop in an intensive fashion. In lower Manhattan buildings were piled up in great masses. Around Times Square a great amusement center came into existence. These tremendous concentrations of business, amusement and living activities and the ability to multiply them almost without limit became the most difficult phase of our transit problem. At this time, in 1910, almost twice as many rapid transit passengers were originating in business Manhattan below 59th Street as in 1904. In 1910 this concentration of traffic in business Manhattan amounted to 345 million passengers as compared with 180 million in 1904. These figures mean that in 1910 nearly as much traffic originated in business Manhattan as all of the rapid transit lines carried throughout the city in 1904. The result of these conditions was that the construction of new rapid transit facilities without delay became imperative.

What did we do? Practically all of the territory traversed by the existing rapid transit lines in Manhattan, the Bronx and Brooklyn was developed to such a point as to saturate the facilities. Did we look around in the outlying sections—in Queens, for example, or in Richmond—to find locations for new lines where no rapid transit lines had yet been built and therefore where there were no populations waiting to be served? Did we seek routes through business sections that were practically undeveloped and where high buildings were not yet reaching up to the sky? Did we do these things and in this way impel new populations to build up new home sections and new business sections and thus draw people away from the congested areas and thereby relieve the congestion? No! Instead of creating such decentralizing transit facilities, in order to take advantage of the fact that the population always follows rapid transit, and thus utilize the new lines to diffuse the population and thus relieve the congestion on the old lines, we did just the wrong thing. In effect we expanded the existing facilities instead. We located most of our new lines through the already overdeveloped territories both in the outlying sections and through business Manhattan. We constructed more lines for Manhattan, for the Bronx and for Brooklyn, with the idea that the new lines must be located where the congestion existed in order to relieve such congestion. Now note the effect of this policy.

TRAFFIC GROWTH BROUGHT CONCENTRATION

The Dual Contracts were signed in 1913, but between 1910 and 1915 although construction was under way no large operating additions were made to the rapid transit systems. However, during this period, the rapid transit traffic increased about 105 million passengers—or from 725 million to 830 million. Beginning in 1916 the operating systems were gradually enlarged. In 1918 the East and West Side subways were operated. Also in 1918, the Brooklyn subway system inaugurated its Broadway line service to Times Square. By 1920 the combined systems were 179 track miles longer than they were in 1915. And during these five years of only partial operation of the new systems the total traffic increased 60 per cent, or increased 502 million passengers as compared with the 105 million between 1910 and 1915, and 341 million between 1904 and 1910. Or all of the rapid transit lines together were carrying one and one-third billion passengers in 1920. Rapid transit history was repeating itself. Congestion was beginning again in the old much served rapid transit territories just as it had begun within five years after the first subway was operated. Once more the question of urgent relief was discussed—urgent relief for those parts of the city which had already fattened on nearly 675 million dollars' worth of rapid transit facilities, while other parts of the city were starving for rapid transit.

Finally, in 1925, although the Dual System was not yet completed, the combined rapid transit facilities in the city were serving 1 billion 681 million passengers. This is 871 million more passengers than were carried, or over double the number carried, when the Dual Contracts were signed 12 years ago. Also this 1925 traffic amounted to over four and one-third times as many passengers as were carried, or to 1 billion 297 million more passengers, than just prior to the operation of the first subway in 1904, 21 years ago. Again, just as before, the rapid transit riding habit was increasing rapidly. In 1925 it was 276 rides per capita compared with 161 for 1913 and 98 for 1904. The 1925 riding habit on the rapid transit lines alone was greater than on all facilities—surface and rapid transit—in 1904.

Furthermore, the concentration of traffic in business Manhattan was keeping pace with the enormous traffic growth. In 1925 this concentration had reached the tremendous total of 748 million passengers—or nearly 45 per cent of all of the rapid transit traffic throughout the 300 square miles of the city was originating in the eight square miles in Manhattan from 59th Street south. In other words, during 1925 nearly seven times the population of the United States boarded rapid transit trains in this business section of Manhattan, or in an area less than three per cent of the city's total area. This figure was double the amount for 1913 and quadruple the amount for 1904, but still the concentration goes on increasing at an accelerating rate. Limit height buildings are being constructed in this area faster than ever before. Somebody remarked when the Seventh Avenue subway was being constructed that he wondered where the Interborough Company was going to get any business on that line. In 1925, seven years after the line was operated, 152 million passengers originated on the stations of the Seventh Avenue subway from Times Square south inclusive. The Fourth Avenue subway from Grand Central south inclusive developed 150 million passengers during the same year. That is to say the traffic on the Seventh Avenue line in seven years caught up with and passed that on the Fourth Avenue line which had been operating for 20 years. With these figures before you is there any question in anybody's mind about the population following rapid transit? The Seventh Avenue line in part followed an entirely new street and in other parts traversed practically undeveloped territory insofar as business was concerned, so this case is also an example of how a business section does develop under the influence of rapid transit. More than 91 per cent of the entire population of the city lives within convenient access of the rapid transit lines, and where such lines deliver them in the business sections there business development immediately responds and consequently there the rapid transit riders find their work.

HISTORY REPEATS ITSELF IN PRESENT CONSTRUCTION UNDER WAY

Now for the third time within about 25 years the city is constructing a new rapid transit system for the purpose of relieving transit congestion, and it is doing it to a large extent in the same old way, just as it has been done twice before. I say to a large extent as before, advisedly, because the plan does include more outlying lines and routings through undeveloped business sections than on the two previous occasions. But it is also a fact that some of the new lines parallel existing facilities, and one of its trunk lines in Manhattan traverses the most congested business areas. So what has happened twice before is going to happen the third time. Three times rapid transit history will have repeated itself. The Manhattan trunk lines of the new system, instead of relieving the congestion will in their turn become congested within a few years after operation begins.

Now, from what I have said it seems impossible to avoid the conclusion that what has been happening as a result of the rapid transit policy of the city, is this: Because the population always follows rapid transit the first subway induced a much greater use of the land it traversed than it was able to accommodate with a rapid transit service. This produced congestion. This congestion in turn created an irresistible demand for new subways to serve almost the same territories as before. Then more congestion occurred, necessitating in turn still more subways. In this way the problem has gone around and around in a circle, from congestion to new subways and—then again to congestion. As each new subway system was provided it developed a new traffic of its own, therefore instead of relieving the congestion it really created a worst congestion than before. Even before the new line was ready for operation the territory that it was to traverse built up in anticipation of the prospective service, so that when the new line opened for operation, the traffic, figuratively speaking, was sitting along the curb waiting for it.

THERE IS A VICIOUS CIRCLE

Consequently, the answer to the question I have been considering must be in the affirmative. Yes! There is a vicious circle of transit development and city congestion. Now the next question is, can the trouble be cured. Let us see about it for a moment.

The vicious circle has been created:

First, because the potential possibilities of using the land are almost unlimited on account of insufficient restrictions, and

Second, because this potential land use always will be developed to the utmost extent that the transit facilities will permit.

For example, a business building can be erected on a single block that will accommodate a circulating population in and out of over 100,000 people in a day, or will easily supply space for 15,000 workers in the building, who, in turn, will saturate over four times the sidewalk space and ten times the roadway space normally available around it, and will also require one-fifth of the full capacity of an existing four-track subway to serve it in the rush hours. Five such buildings would fully utilize the entire capacity of a four-track subway. A single big shop can be built on another block that will serve 75,000 customers a day, or coming and going will create 150,000 transit passengers. And in the residence sections block after block of home barracks ten and fifteen stories high will develop a population density at the rate of fourteen to fifteen hundred people per acre. It does not take much of this kind of land use to saturate all of the rapid transit facilities that can possibly be constructed through any given area. Manhattan below City Hall is very nearly saturated now as far as street and transit facilities are concerned, yet its capacity for potential development is two and one-half times greater than its actual development. The remainder of Manhattan probably has a potential development capacity of six or seven times its actual development. Therefore, from these illustrations of the development possibilities, it is apparent that there is opportunity still for vast building operations in business Manhattan—for an almost unlimited development, if enough rapid transit facilities can be supplied to serve the area.

To continue the transit policy of paralleling and duplicating existing facilities, and thereby permitting and encouraging the areas served to develop almost without limit for both residence and business purposes in my judgment is fraught with dangerous consequences to the city. Our street systems will soon be strangled. Neither the sidewalks nor the roadways of the streets will be able to accommodate the traffic that will be produced. The city's fire protection machinery will not be able to function and consequently the fire hazards will be greatly increased. The public health will be jeopardized and the congestion problems of all kinds that are developed will soon become a public menace.

But since under the conditions of unlimited building possibilities the expanding of rapid transit facilities in congested sections only makes the congestion worse, then we must change our rapid transit policy:

Either we must restrict or limit the building operations in such areas thus balancing the land use with the transit facilities available, and thereby relieve congestion;

Or, we must change our transit construction policy, and build new rapid transit facilities through outlying unpopulated areas and route them through unbuilt business sections—in other words, construct decentralizing rapid transit lines, thus inducing the use of undeveloped sections for both home and business purposes, thereby attracting the population away from the congested districts and in this way relieve the congestion.

As I see it, these are the only two alternatives available for curing our trouble. But even by one or the other of these means, the only way that the cure can be effected is by educating the people themselves to the necessity for a new rapid transit policy. The people who suffer from the congestion are the ones who clamor for the relief. They do not want to move their homes to a new location or to change their travel habits. They demand the obvious thing. They demand new lines that will serve them as they are—that is to say, lines that will take them from their present homes to their present working places. This demand for the duplication of existing facilities cannot be resisted, particularly when there is no population to agitate and shout for the thing that ought to be done—for the decentralizing lines that should be constructed through the unpopulated and undeveloped sections. The officials charged with the duty of locating and constructing the new lines cannot withstand the public pressure. Therefore they are not responsible for the conditions. But it is the people who complain most about the prevailing congestion who are compelling the wrong kind of transit development that in turn is perpetuating the evil that they themselves are crying out loudest against.

Consequently, in the last analysis, the cure for our vicious circle resolves itself into educating the people as to the causes of the trouble and to the necessity of constructing new rapid transit lines that will decentralize our city activities.

SEATTLE'S CITY MANAGER VOTE AND FIRST WOMAN MAYOR

BY M. H. VAN NUYS

Member of Seattle Bar

Election of the first woman mayor; second defeat of the manager amendment with assistance of organized city employees and politicians; election of a charter commission which will propose a "city business manager." These are the high spots in this complete and authoritative story. :: :: :: :: :: :: :: :: :: ::

In March, 1925, a city manager amendment to the charter of Seattle, Washington, was defeated by 4,519 votes, due to the organized opposition of the city civil service employees. The Seattle Municipal League, a nonpartisan men's civic club, had originated the plan and had been its chief supporter.

Following this defeat, the Municipal League revised the amendment, making a few alterations. The amendment left unchanged the charter provisions as to the city council—nine members of the council, elected at large, three elected each year to serve three years, at $3,000 salary a year. Under the amendment, the council would appoint a city manager who would appoint the department heads, seven in all; and the council would also appoint a civil service commission. The changes from last year's plan were: The city comptroller and corporation counsel to be appointed by the council, instead of by the manager; and civil service employees to be removable by the civil service commission (as at present) instead of by the manager. The council was prevailed on to order this amendment placed on the ballot for the next city annual election, March 9, 1926.

DUST THROWN IN VOTERS' EYES

The opponents of the manager plan realized that to defeat the amendment, the safer course would be to confuse the issue. While the council was considering whether to place the amendment on the ballot, a petition was presented to it requesting it to call an election of 15 freeholders as a commission to revise the city charter. This petition, filed September 24, 1926, bears 8 signatures, followed respectively by these words: "Pres. Freeholders Charter Revision Committee," "Secretary, Freeholders Charter Revision Committee," "Trustee, United Veterans' Club" (who was also attorney for the civil service employees), "President, Washington State Federation of Labor," "Secretary, Central Labor Council," "Police and Firemen's Association," "Civil Service League," "President, Central Labor Council." The city manager plan opponents about the same time started to circulate an initiative petition, to compel the council to call this freeholders' election. They also brought pressure upon the council to place on the ballot city manager amendments with such provisions as an independent police commission, and a utility business manager. The council finally passed an ordinance calling the election of 15 freeholders for charter revision at the next election March 9, 1926. The fact that the mayor signed this ordinance was concealed for a week. The Municipal League then circulated a petition to have the ordinance referred to the people for vote, but failed to procure sufficient signatures in time.

Bellingham, Washington, had recently voted down a city manager charter prepared by a freeholders' commission, thereby causing unnecessary labor and expense to taxpayers. The senator from that district introduced into the state legislature, about December, 1925, a bill providing that whenever an election of freeholders to revise a city charter is called, there shall also be placed on the same ballot, the question whether there be any charter revision by the freeholders at all. The bill was amended, however, by a joker which provided that no charter amendment could be voted on at such election. Two of the legislature, men from Seattle, discovered the joker a few hours before the bill was voted on by the house. The joker was rejected and the bill passed. The joker was traced to the freeholders' committee.

The opponents of the city manager amendment persuaded fifteen citizens, most of whom were prominent, to become candidates for the freeholders' commission. These fifteen men were the first to file and filed in a line as soon as the filing books were opened. They insisted on their names appearing upon the ballot in the order of filing. Friends of the city manager amendment brought suit, and the state supreme court held that all names must appear on the ballot in alphabetical order. None of the eight petitioners filed, except the labor secretary, nor did any civil service employee, except one who later withdrew. This group of fifteen announced no platform and voiced no policy except opposition in general terms to the proposed city manager amendment.

MRS. LANDES RUNS AGAINST ADVERTISING DENTIST

The leading candidates for mayor at the election were two, the present mayor, Dr. Edwin J. Brown, an advertising dentist and experienced politician, and Mrs. Bertha K. Landes, chairman of the city council, club woman, and wife of a professor in the State University. No prominent business man ventured to run for the office. Mrs. Landes was undecided until the last day for filing, and did not resign from the city council.

In the summer of 1924, while Mayor Brown was attending the Democratic

Convention in New York, Mrs. Landes by virtue of her office as chairman of the council, became acting mayor. She discharged the chief of police and placed in charge a former chief of police who held an excellent record for law enforcement. Mayor Brown rushed home and re-appointed his chief. In the fall of 1925, a debate took place between the pastor of the First Baptist Church and Mayor Brown over law enforcement in the city, the pastor occupying the pulpit one Sunday and Mayor Brown occupying it the next. Later a grand jury of the county recommended that Mayor Brown be impeached by the city council, but the council declined. Shortly before the election, occurred the four weeks' trial, in the federal court at Seattle, of Roy Olmsted and over twenty-five others, which resulted in the conviction of Olmsted and several of the others of a liquor traffic conspiracy on an extensive scale. Olmsted was an ex-police officer of Seattle. Mayor Brown defended his administration, denouncing his enemies, proclaiming the business prosperity of the city, and holding up the city manager amendment as a menace to democracy. Mrs. Landes advocated law enforcement and the adoption of the city manager amendment, declaring that she preferred having an efficient manager form of government to being mayor. The amendment, if carried, would take effect the day the new mayor would take office and would abolish that office.

THE CAMPAIGN

The advocates of the city manager amendment, under the leadership of the Municipal League and the hearty and intelligent co-operation of women's clubs and numerous public spirited men and women, conducted a remarkably well organized and efficient campaign. Their public speakers made about three hundred addresses including debates. They stressed the merits of the amendment and cited the experience and statistics of city manager cities. Many of them claimed that the originators of the freeholders' movement desired no change in the present system but aimed to confuse and divide the voters, also that any charter framed by the group of the fifteen freeholder candidates, part conservative, part radical, would be such a compromise as the people would reject. No united or organized opposition was made against the freeholders' proposition or candidates. The Municipal League, however, refused to endorse or recommend any freeholder candidate. The expense of the campaign for the city manager plan was about $4,200, raised largely from small contributors.

The Seattle *Times* which last year had opposed the manager plan, rendered wholehearted and valuable service to the manager campaign, although not adverse to a freeholders' commission. The *Post-Intelligencer* published occasional favorable editorials and liberal news items, recommended the amendment and published a number of articles by the president of the Municipal League. The *Star* urged the idea of charter revision by a freeholders' commission, but when the first fifteen candidates filed and became known, it thereafter strongly supported, as last year, the city manager amendment. The *Union Record* (labor) fought the amendment, as last year, and advocated the freeholders' election.

CITY EMPLOYEES CONTRIBUTE TO CAMPAIGN OF ANTIS—

The advocates of the freeholders election had little difficulty in raising ample funds. Civil service employees were solicited and a large fund was raised from them. The city charter forbids soliciting money from civil service employees "for any party or political purpose whatever." But the corporation counsel advised that this was not for a "political purpose." In the course of the campaign, the first 15 freeholder candidates were driven, by the logic of the city manager debaters and speakers and by the growing public sentiment, into publishing that they were not opposed to a city manager plan but that the city manager amendment was objectionable in that it was different from the plans in other city manager cities. They did not, however, point this out nor show how the amendment departed from any established principles of city manager government. They urged theoretical objections. They cited the opinion of the corporation counsel that the amendment was illegal. They would be the people's representatives and would be open-minded.

In the confusion, thousands of voters voted for the amendment and also for the freeholder candidates' proposition.

ELECTION FIGURES

Strong appeals were made for all citizens to register and to vote. Women's clubs and ministers were particularly active in this call. A record-breaking vote was cast at the election, March 9, 1926. The vote was as follows:

For Mayor:		
Mrs. Landes	48,700	
Dr. Brown	42,802	
	For	*Against*
City manager amendment.	36,598	36,709
Proposition whether the charter be revised by freeholders	33,033	28,331
15 Freeholders		Elected
3 Members of city council		Re-elected

All of the fifteen who filed first were elected on the freeholders' commission, with a single exception, although there were on the freeholder ballot 46 names alphabetically arranged. The votes ranged from 14,158 to 27,039.

Who composed this freeholders' commission? Eight conservative business men, including three ex-presidents of, and an ex-treasurer of, the Associated Industries, an organization of employers opposed to labor unions; a former corporation counsel, now a member of the law firm of the Puget Sound Power and Light Company, competitor of the municipal power and light plant; the local attorney of the Northern Pacific Railway Company; an attorney associated with and in the office of the law firm of the Pacific Telephone & Telegraph Company, invited to be a freeholder candidate by the veterans of foreign wars; the editor of the *Union Record* (labor); the Secretary of the Central Labor Council and one other trade unionist; and a Presbyterian minister.

Due to the fact that the amendment lost by only 111 votes and that there was some suspicion as to the returns, the election board was inclined to reopen the backs of the voting machines and recount the votes on the amendment. But two of the labor members of the freeholders' commission brought proceedings to enjoin a recount; and the state supreme court has now decided in favor of the injunction.

OUTLINE OF NEW CHARTER DRAFTED BY COMMISSION

The 15 freeholders are now framing a revised charter for the city, which later on will be submitted to the voters for approval or rejection. The law allows them 60 days in which to complete their charter. Thus far they have had a number of public hearings. They have made public a tentative outline of their plan—the city to be divided into seven districts; the city council to be composed of fourteen members, two from each district, each member to serve two years; each district to nominate two candidates for each annual election, seven of whom, to be elected at large each year; councilman's salary not to exceed $1000 a year; a "mayor" to be one of and president of the city council, and to receive $7,500 salary a year; the city comptroller, treasurer and corporation counsel, to be elected by the people; a commissioner of health, a board of welfare and recreation and a civil service board to be appointed by the city council; a commissioner of parks to be appointed by the city business manager; the mayor to appoint a police commission; a "city business manager" to be appointed by the city council and to have charge of the other administrative departments; the heads of these departments to be appointed by the manager subject to the approval of the city council; these departments to remain as now existing; Mrs. Landes, and the other elected officers of the city to hold office until their respective terms expire; the manager to be removable by the city council for cause.

Harold Preston, president of the Municipal League, and for a generation one of the ablest constitutional lawyers in the state, rendered remarkable service to the city manager cause. He devoted his time in perfecting the amendment, in defending its legality, in public addresses and written articles, and in enlisting the sympathy and co-operation of newspapers and citizens who knew his ability and fairness.

Mrs. Landes will take office as Seattle's first woman mayor on June 7, 1926.

SUNNYSIDE GARDENS

A SUCCESSFUL EXPERIMENT IN GOOD HOUSING AT MODERATE PRICES

BY ALEXANDER M. BING

President, City Housing Corporation

Sunnyside homes, built by the City Housing Corporation, a limited dividend company, are the result of the social vision and business ability of Mr. Bing. Solid brick, single-family houses of six rooms can be bought for $8830 (ten per cent down and $66.78 per month). They are accessible to subway, elevated and bus lines. Private gardens, and community playgrounds and parks are provided. The corporation, which is in excellent financial condition, has brought good homes within range of New York City wage earners. :: ::

The City Housing Corporation was organized in the winter of 1924. The period since the war had been one of acute housing shortage and suffering, but very little had been done to ameliorate housing conditions. In fact, since the organization of the City and Suburban Homes Company, twenty-five years ago, no important forward step in housing had been taken in New York city, except the Russell Sage Foundation development at Forest Hills. Indeed almost nothing had been done in this entire section of the country.

In the meantime, in England, the garden city movement had grown up and had found embodiment in two notable undertakings; the construction of the cities of Letchworth and Welwyn. Throughout England and the continent many fine garden suburbs had also been developed.

In practically every European country the provision of workmen's homes is being undertaken on a considerable scale by the government and by limited dividend companies. Financial assistance is given by practically every European government toward the building of workmen's houses.

In America, the providing of homes has been left entirely to private initiative, and with the exception of a short-lived tax exemption, no government aid whatsoever has been forthcoming either to assist in providing the necessary capital or otherwise.

Realizing the extent of the need, the organizers of the City Housing Corporation have started the company with very high ambitions. They hope to develop a corporation which will be engaged continuously in providing better homes, which will constantly grow in capital, and which will, eventually, build entire communities somewhat along the lines of the English garden cities of Letchworth and Welwyn.

The housing reformer is confronted with the fact that under prevailing conditions the income of the lower paid wage earners is insufficient to pay for homes conforming with modern minimum standards. It is therefore essential that ways and means be found to produce good homes for less money. A detailed analysis of the elements entering into housing costs would be out of place in this paper. These costs may, however, be roughly divided into the following—land, public utilities and site development, the construction of the house itself, and lastly the cost of financing, including the profit of the builder.

THE SUNNYSIDE DEVELOPMENT

The City Housing Corporation has set itself the task of attacking all of these items and endeavoring to work out better, more economical and more efficient methods for each one. The opportunities for improvement in each of the above categories are almost limitless. It remains to be seen how much this particular group of persons can accomplish.

As a means of making a start and at the same time safely investing the capital thus far entrusted to it, the company, in the early spring of 1924, purchased a tract of land in Long Island City lying between Queens Boulevard and the Sunnyside yards of the Long Island Railroad. Seven hundred and sixty twenty-foot lots were purchased from the railroad, and about three hundred from other owners. The railroad purchase was made first, and before it became public, the company bought all of the surrounding land which could be procured at about the same price.

It was realized that the development of the larger tract would inevitably mean an enhancement of value of all the surrounding land, and the principle of excess condemnation was applied in the purchase of the adjacent land. The possibilities of taking advantage of the improvements the company was about to make were limited in two ways: the initial capital of the company was insufficient to permit it to buy extensively; and most of the adjacent land was held at prices too high to warrant their purchase at that time. Much of the company's excess land has been sold, within the last few months, at a handsome profit.

The actual building of houses was begun in the early spring of 1924. The first unit of homes consisted of 6 six- and seven-family apartments, 40 two-family and 8 one-family houses. Four purposes were kept in mind—to produce good homes at as low a price as possible; to make the company's investment safe; and, if possible, to realize a surplus which could be set aside as a sinking fund to guard against future loss, and lastly to use the work of building and selling houses as a laboratory in which to work out better house and block plans, and better methods of construction and financing.

FINANCIALLY SUCCESSFUL FROM BEGINNING

The policy was adopted of selling all the houses. Those for one- and two-families were sold outright to individual buyers. The apartment houses were conveyed to a co-operative association which was organized by the City Housing Corporation, and the stock of this company was sold to persons who received a proprietary lease on the apartment they wished to occupy.

This first group of houses was finished rather late in the summer and fall, when the small house selling season was almost over. Nevertheless, they sold very readily. Co-operative apartments proved somewhat more difficult to dispose of as it took a little time to reconcile former renters of inexpensive apartments to the co-operative feature.

The financial results to the company of these first sales were a profit on houses sold sufficient to pay overhead and to meet the carrying charges on all vacant land held by the company, stock dividends at the rate of 6 per cent per annum, and finally a small surplus.

In the spring of 1925, the construction of a second unit to accommodate 225 families was commenced. A larger proportion of one-family houses was built, and a three-family apartment was added to the different types under construction. The first of these houses was completed about May 1, and others followed during the summer until early in September. The houses have sold very well indeed, and were practically all disposed of immediately, or very shortly after completion. The company has paid dividends in full, since its organization, at the rate of 6 per cent per annum, to which it is limited by charter; and its statement of January 1, 1926, shows a surplus of $170,000. The remaining vacant land is carried on the books at its original price (although the market value is now much higher), the company having adopted the principle of writing off all carrying charges on vacant land as an expense. By next summer, the company will have provided homes for 625 families of a quality unobtainable elsewhere at the price, and sold to purchasers on much easier terms than the market generally affords.

INTERIOR GARDENS INSTEAD OF UNSIGHTLY ALLEYS AND BACK YARDS

Substantial results have also been achieved on the experimental side. The conventional way of constructing one- and two-family houses, in practically all American cities, is to build them in long rows with an alley-way in the rear giving access to tin or frame garages. These alley-ways are poorly paved, and it being nobody's business to care for them, soon become dirty and unsightly. The back yards reduced in size by the alley-way, are further encroached upon by the garages and other sheds and outbuildings. Most of these blocks afford the children little place to play, except the street.

The City Housing Corporation, in order to do away with these unsightly alleys, restricted the first block to be built against garages. The block interior, for about 60 feet in width, has been made into a garden, with forty years easements to secure its common use by all residents of the block. Each owner pays a small monthly charge to cover the cost of upkeep, and the management is placed in the hands of trustees, two of whom represent the owners, two the corporation and a fifth member who is neutral, unconnected with either. In addition to this interior garden, each house has its own private yard in which the owner may do as he likes, except that there may be no building or alteration here, or elsewhere, without the consent of the block trustees. The garages are all grouped at one end of the property. They are rented at eight dollars per month, a price which is expected to pay a fair return on the investment in them and amortize it in a reasonable length of time.

PLAYGROUNDS AND PARKS

In this first development additional garden space was provided by leaving vacant a plot 125 by 100 feet, dedicated as a private park for the benefit of the residents in the first unit of houses and placed under the control of the block trustees.

At a conference with playground experts, including representatives of the Playgrounds Association of America and the Russell Sage Foundation, it was decided that in future units it would be better not to locate this extra play space in each block, but to provide instead a larger playground in some other part of the development. It was decided to continue restrictions against garages, and to continue the interior block parks. These are to be used as playgrounds for very young children, and as places where the older people can cultivate an ornamental garden, or make any other use which they and the trustees deem proper. Just how block interiors should be equipped, used and managed, is one of the things about which the company is acquiring a fund of experience and knowledge as the development progresses. Sand boxes, swings, seesaws and tennis courts, have all found more or less favor.

For the larger park, the company has set aside forty-five city lots at one end of the property, which will be dedicated in perpetuity for the use of the residents of the Sunnyside development. This park will contain tennis, hand ball and basket ball courts, a baseball field and space for other sports. Part of it will be laid out so that it can be flooded in the winter for skating. It is intended to deed the park to the Community Trust of New York to hold for the use and benefits of Sunnyside houses, and to be managed by a committee representing the residents and the City Housing Corporation.

NEIGHBORHOOD ORGANIZATION

Neighborhood organization has flourished to an unusual degree in the new community. In the first place the fact that the development is in a somewhat isolated situation favored joint action, and at times made it necessary. The neighbors were also brought together by the block playgrounds and block restrictions, which made the election of representatives obligatory. The coöperative apartments were also a factor in fostering the organization of the new group. Shortly after the new homes were occupied, an active neighborhood association was formed, and in the second unit of houses a similar organization was created. These two associations have committees to look after various neighborhood needs. They conduct entertainments, and take an active interest in the educational and civic problems of the new settlement. They have induced the New York Public Library to place several hundred books in the community rooms (which are located in the second co-operative apartment group), and have also made several attempts to start a community paper.

Due to dissension in the first unit, its neighborhood association was disbanded, whereupon the second association voted to change its title of second Sunnyside Neighborhood Association by omitting the word "Second," and become an organization which all Sunnyside residents could join. It seems likely, therefore, that the cumbersome arrangement of an association for each group of houses will give way permanently to a single organization to include the residents of the entire development. The property interests of each house owner will probably necessitate a property owners' association for each square block, in order to elect trustees to care for the block interiors and to decide questions which relate peculiarly to a particular square block. For matters of general civic and community interest, which call for joint action by all the residents of Sunnyside, the neighborhood association will propably function. This is the arrangement which seems to promise the best results. An experiment in block and community organization is therefore being worked out in a natural way, and its results are being tested by actual experience.

RESEARCH INTO CONSTRUCTION COSTS

On the construction side, the work at Sunnyside is going to make possible the study of comparative costs of single and of multi-family houses in a much more thorough fashion than has heretofore been possible, and data is being gathered, and cost studies made, which should prove of great value. It is also hoped that contributions will be made in working out better use of materials, and perhaps even in the discovery of new methods of construction. A research department is about to be established, and it is intended that results of research and cost study will be regularly published for general criticism and use.

TERMS OF SALE

There are many people who desire to own their own home who have a fair income, but who have been prevented from saving any substantial amount of money. The City Housing Corporation has adopted a selling plan, under which the purchaser makes a cash payment of only 10 per cent of the price of the house, and gives back a ninety per cent mortgage, paying this off in small monthly installments. In some cases, however, just the people whom the company would like to help, people who would make very desirable residents in the new community, have found it impossible to save even the small amount needed. From the standpoint of the company, it is desirable to adopt a uniform plan and not to sell houses on a smaller payment than 10 per cent. A loan fund has therefore been established, outside of the company's treasury which, in proper cases and without charge, loans a prospective purchaser the difference between the 10 per cent of the purchase price and the amount of his savings. The loan is repaid in monthly installments over a period of one or two years. As these payments are in addition to the regular monthly charges required to be paid under the company's mortgage, the purchaser's income must be sufficient to meet both payments. In a number of cases this loan fund has enabled persons to become home owners for whom the privilege would have been otherwise absolutely impossible. In every instance to date, payments have been regularly met.

In the 90 per cent mortgages, provision is made for monthly payments of all regular charges—taxes, mortgage interest, amortization, water rates, insurance and garden upkeep. These payments average, for one-, two- and three-family houses, about ten dollars and fifty cents per room, per month. Amortization is so arranged that the mortgage is completely paid off in about twenty-two years. For less than normal rent for similar accommodations, these Sunnyside residents are therefore becoming the free and clear owners of very valuable property.

An interesting experiment is also being made in the issuance of mortgage bonds with which to finance the purchase money mortgages which the company is receiving on the sale of houses. If successful, a solution will have been found for one of the most difficult problems connected with the production and sale of small houses.

DIVIDENDS LIMITED TO 6 PER CENT

No matter how prosperous the company may become, it can never pay a higher dividend than 6 per cent. Its policy, however, is to endeavor in addition to paying regular dividends, to accumulate a sinking fund to insure the safety of the investment. It is absolutely necessary to convince the investing public that limited dividend companies can be conducted on a business-like basis, and are absolutely safe investments, and at the same time that, when properly managed, they can accomplish very real improvements in housing and living conditions.

City Housing Corporation stock has been subscribed to the extent of about $1,750,000. To secure maximum efficiency, ten times this amount of capital could be used to good advantage. The larger the company becomes, the safer its operations will be—the greater the economy in all the branches of the company's work. A continuous effort will therefore be made to extend the distribution of the company's stock.

The Long Island City development will be completed in about two years—approximately one thousand houses will have been provided and sold on easy terms, and a very unusual community created. At the same time, regular dividends will have been earned, and a surplus created which, from present indications, will amount to at least $300,000, possibly a great deal more.

It is hoped that, upon the completion of Sunnyside, the company's capital will be large enough to permit the immediate undertaking of a new development. Sunnyside will have absorbed at least $2,500,000 of capital. This will come back to the company for re-investment over a period of years as the company's interest in first and second mortgages is paid off. In the meantime, however, additional capital will be needed to complete the Long Island City development, and to make further work possible. There is absolutely no limit to the amount of work that can be done—not only around New York city, but practically in every other community in the country.

FUNDAMENTALS OF LOW-COST HOUSING

Housing is a business in which there is limitless demand for a reasonably good product, a business, which for its efficient prosecution, requires large amounts of capital. To be most effectively carried on, large scale operations and continuous and reasonably rapid production are necessary. Land must be purchased in large unimproved tracts, buildings must be erected in large numbers on more or less standardized plans. The community, to be established, must be of sufficient size to create its own environment, and to result in substantial increment in land values. The development must be completed quickly enough to prevent this increment from being absorbed by the carrying charges on the vacant land.

The company's ultimate goal is the construction of a garden city along the lines of the English towns of Welwyn and Letchworth in which these requirements could be consolidated most effectively. When the City Housing Corporation has attained sufficient size it plans to undertake such a project and then it will utilize the knowledge and experience gained in the construction of the smaller, intermediate developments such as Sunnyside.

HOOVER CONFERENCE SPURS LOCAL EFFORTS FOR TRAFFIC CONTROL AND FACILITATION

BY HAROLD S. BUTTENHEIM
Editor, The American City Magazine

Important Recommendations of the Second National Conference on Street and Highway Safety. :: :: :: :: :: ::

Not merely as a notable contribution to the nation-wide movement for greater safety and traffic capacity on our streets and highways, but as an outstanding example of federal leadership without governmental centralization, the Second National Conference on Street and Highway Safety, held in Washington March 23–25, 1926, was an event of unusual significance.

The magnitude of the problem facing the Conference and the relationship of the federal government to it were emphasized by its chairman, Secretary of Commerce Herbert Hoover, when he said in his opening and closing remarks:

"The purpose and problem of this conference is to devise and recommend measures which will reduce the traffic accidents in the country. With 23,900 persons killed and approximately 600,000 injured last year, the importance of this subject needs no emphasis. . . . This problem is not a problem to be solved by individual cities or even individual states, without regard to the conditions existing in other cities and other states. It is, after all, intellectually an interstate problem, yet one which must be solved materially and actually by the individual states acting in concert and not by the federal government or by some establishment set up by the federal government. . . .

"I have conceived this conference, and the conferences that will flow from it of this character, as perhaps a new step, or a part in a new step in the varied conception of government, not government from a central authority, but government by stimulation of the local community to its responsibilities and the education of the local community to intelligent action. That seems to me to be far wiser, and a more nearly correct solution than the constant drive to centralize the government of the United States."

The willingness of the states and municipalities to work with the national authorities in a movement of this kind was made evident by the number and character of the groups who gathered for the three-day meeting in Washington. Among the attendance of nearly 1,000 were official delegations appointed by the governors of 43 states. Many municipalities were represented by such officials as mayors, city managers, directors of public safety, chiefs of police and fire departments, and heads of traffic bureaus. National and local organizations concerned with traffic safety and facilitation were also represented in large numbers. Directly co-operating with the United States department of commerce in organizing and financing the conference were the American Automobile Association, American Electric Railway Association, American Mutual Alliance, American Railway Association, Chamber of Commerce of the United States, National Association of Taxicab Owners, National Automobile Chamber of Commerce, National Bureau of Casualty and Surety Underwriters, National Research Council and National Safety Council. Serving as officials of the conference were Herbert Hoover, secretary of commerce, chairman; F. A. Delano, president, American Civic Association, Washington, D. C., vice-chairman; A. B. Barber, Chamber of Commerce of the United States, director; Ernest Greenwood, Washington, D. C., secretary; Julius H. Parmelee, director, Bureau of Railway Economics, treasurer; E. K. Kloman, Bureau of Railway Economics, assistant treasurer, and Sidney J. Williams, National Safety Council, consultant.

A SUGGESTED MODEL FOR A UNIFORM VEHICLE CODE

Perhaps the most important single action of the conference was the adoption, with amendments, of a suggested model for a Uniform Vehicle Code,[1] prepared by the Committee on Uniformity of Laws and Regulations. Of this committee the chairman was General Nathan William MacChesney, vice-president, American Bar Association, and former president, National Conference of Commissioners on Uniform State Laws. The secretary was A. P. Federline of the American Automobile Association; and the legislative draftsman was J. Allen Davis, associate council, Automobile Club of Southern California. With these men there served well-known lawyers, engineers, state and city officials and representatives of many groups affected by the traffic situation.

The suggested code consists of three model acts: (1) A Uniform Motor Vehicle Registration and Certificate of Title Act, (2) A Uniform Vehicle Operators' and Chauffeurs' License Act, and (3) A Uniform Act Regulating the Operation of Vehicles on Highways.

This code, with modifications embodied in an appendix to the final report of the conference, was endorsed by the conference and is recommended to the National Conference of Commissioners on Uniform State Laws and to the several state legislatures as the basis for uniform legislation on the subject.

Supplementary state and local legislation and regulations were also recommended by the conference as follows:

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[1] The full text of this code is obtainable from the National Conference on Street and Highway Safety Washington, D. C. From the same source can be secured the reports of the other committees and the final report of the conference itself.

"The Uniform Vehicle Code should be supplemented by state administrative regulations which should, as far as practicable, be developed on a uniform basis through co-operative action of the associations of officials concerned, particularly the state highway officials and motor vehicle commissioners, together with joint committees including other public officials and representatives of automobile clubs, scientific organizations and commercial and other bodies concerned.

"The Uniform Vehicle Code should further be supplemented by local traffic ordinances with regard to which progress toward uniformity should be sought through state or regional conferences of officials and other persons or organizations interested.

"Local traffic ordinances should also be supplemented by the necessary detailed rules and regulations to be established by local authorities, and uniformity in such regulations should be secured through the associations of officials concerned, with the co-operation of other persons and organizations interested."

ENFORCEMENT OF TRAFFIC LAWS AND REGULATIONS

Recognizing the importance and difficulty of effective enforcement of traffic laws and regulations, a special Committee on Enforcement had been appointed by Secretary Hoover, with William McAdoo, chief city magistrate of New York City, as chairman, and C. W. Stark, of the Chamber of Commerce of the United States, as secretary. In summarizing and endorsing the recommendations of this committee, the conference said in its final report:

"State laws should prescribe a uniform system of enforcement to be applied in part by the state courts and administrative machinery and in part by the local authorities. The necessary special traffic control and traffic patrol police should be provided and the regular police should participate in traffic enforcement. Provision should be made for prompt and thorough collection of evidence and investigation of accidents; for special traffic courts or special traffic sessions of general courts, and traffic violations bureaus with a schedule of penalties for disposing of minor infractions, so as to give the courts more time to deal adequately with more serious cases; uniform permanent records of all convictions of traffic violations and traffic accidents, suspensions and revocations of operators' licenses, and refusals to grant licenses; and exchange of detailed information between jurisdictions as to suspensions and revocations of licenses and convictions for serious traffic offenses. Neither the traffic officers nor the court judges should receive any fees from the money collected from traffic convictions.

"The courts and the police through vigorous enforcement and even-handed treatment of offenders should instill in the public respect for the traffic laws and regulations.

"Public opinion in support of enforcement should be organized through a representative citizens committee in each locality, forming part of an organized effort of all elements in the community interested in street and highway accident reduction."

METROPOLITAN TRAFFIC FACILITIES

Although the primary purpose of the conference, as indicated by its name, was the promotion of street and highway *safety*, there was full recognition of the important service which the conference could render in stimulating more widespread and intelligent study of traffic *facilitation*. Study of this phase of the problem was the special task of the Committee on Metropolitan Traffic Facilities, of which F. A. Delano, president of the American Civic Association, was chairman, and Norman C. Damon, of the National Automobile Chamber of Commerce, secretary. Like the other committees, it held numerous meetings during the months preceding the conference, and submitted a report of great value. As a result of this report, and of reports on allied subjects which had been submitted to the First National Conference on Street and Highway Safety in 1924, the 1926 conference embodied the following paragraphs in its final report:

"A comprehensive traffic improvement program, including urgent immediate items and long-time items, should be undertaken in every community of metropolitan area confronted with a traffic problem. In the preparation of such a program due consideration should be given to the relation of costs to benefits in safety and acceleration of traffic, and the program should be properly worked out and budgeted.

"The traffic improvement program should be based on a thorough traffic survey giving the necessary physical and traffic data and kept up to date, and due attention should be given to city and regional planning and zoning in their effect on traffic. The program should include:

"(a) A transit plan, covering facilities for the mass movement of population by vehicles of all classes, including rapid transit, steam railroad commuter service, street car lines, bus lines, private automobiles and other means.

"(b) A street and highway plan, providing for main thoroughfares, bypass and interconnecting thoroughfares, secondary streets, business and industrial streets, and local residence streets, with any necessary enlargements and improvements required to carry the traffic with expedition and safety.

"(c) A traffic control plan, to provide for the orderly improvement of facilities and measures for the safe, efficient and complete utilization of street and highway capacity.

"A sound financial program should be established which will insure properly balanced progress in such improvements and will properly distribute the burden of providing the necessary fund.

TRAFFIC PLANNING ORGANIZATION

"To insure proper planning of traffic facilities and traffic control, to assure co-operation of the different departments of city or local governments concerned and to enlist public support, a traffic planning organization should be created in each city or metropolitan area as follows:

"(a) In each city there should be an official traffic commission, including such officials as the chief of police, city engineer, engineer of the city plan commission, chief of the fire department, a representative of the public authority supervising city transit and transportation, a member of the city council, and a representative of the city's legal department. This commission should be a permanent body having the services of an engineering staff, preferably in charge of a trained traffic engineer, and should prepare a comprehensive traffic plan, make and keep up to date a traffic survey, and recommend a traffic ordinance and regulations or recommend from time to time any necessary modifications in the existing ordinance and regulations.

"(b) It will also be of value to have a traffic committee not made up of officials but including representatives of street railway companies, motor bus companies, taxicab companies, trucking organizations, chambers of commerce, automobile clubs and associations, safety councils, merchants' associations and other interested groups. The traffic committee should serve in an advisory capacity to the traffic commission and assist in securing the interest and support of various representative organizations and the public generally. If there is no traffic commission the traffic committee may temporarily carry out the functions of both bodies.

"(c) In the improvement of main highways leading to and from large centers of population it is frequently found that administrative jurisdiction over various sections of the road is divided among municipal, county, state and even national authorities. In such cases practical results in relieving traffic congestion will usually be obtained most quickly by voluntary co-operation between the authorities concerned through the creation of joint boards to consider and determine policies of location, construction, maintenance and use of the highways.

"(d) To provide unified consideration and treatment of traffic problems in metropolitan areas which include more than one city or a city and politically independent suburbs, it will generally be necessary to depend upon an enlargement of the unofficial traffic committee of the central city by adding proper representatives of important surburban communities, or, in the case of two large cities in a single metropolitan area, to form a joint traffic committee with representatives of suburban communities added. When developments warrant, an official metropolitan authority should be created to control physical growth and provide for proper traffic facilities within large population centers.

STREET AND HIGHWAY CONSTRUCTION

"In street and highway construction attention should be given to adequate roadway width with provisions for pedestrians, adequate rights of way to provide for parking space, for clear view of curves and intersections and for future roadway widening; space for parking off the traveled portion of rural highways, either continuously or at intervals not exceeding 300 feet; reasonable grades of not more than six per cent where feasible on thoroughfares of primary importance; curves of not less than 300-foot radius on highways of primary importance; widening and banking of curves; avoidance of combinations of heavy grades and sharp curves; adequate curb radii and smooth grades at street intersections; cross-sections of the pavement or roadway as flat as drainage conditions will permit; guard railings of substantial type on the shoulder of embankments; clear view of approaching vehicles for at least 300 feet on highways of primary importance, provided by necessary control of private advertising signs on the right-of-way or upon private property near the highway and by the removing of trees, shrubs and sloping banks on or off the right of way at curves and intersections, and the cutting down of sharp hillcrests; bridges at least 22 feet wide, to enable two lines of traffic to pass without difficulty, and suitable provision for the safety of pedestrians on such bridges; careful selection and clear marking of detours and maintenance thereof in safe condition; maintenance in good condition of pavements and roadway shoulders; prompt snow removal from streets and highways of heavy traffic; proper signs, signals and highway surface markings on a uniform basis; and proper illumination of city streets, and of state highways wherever financially practicable.

PLAYGROUNDS AS SAFETY MEASURES

"Adequate playgrounds throughout the community should be provided, and particularly there should be available a playground for every school as a safety measure to keep the children off the streets. Schools and playgrounds should, as far as practicable, be so located that children will not have to cross busy traffic streets in going to and from them. Adequate provision for skating and coasting, where practicable, should be made in parks and playgrounds, properly lighted and supervised, or on streets set apart, safely marked and traffic controlled during the hours used for these purposes.

ELIMINATION AND PROTECTION OF GRADE CROSSINGS

"Elimination of grade crossings, either by relocation of highways or rail lines or by grade separation, which constitutes the only perfect solution of the problem, should be carried on under a proper program, first eliminating the most dangerous crossings on thoroughfares carrying heavy traffic, and with due recognition of the enormous costs involved, which, if elimination were attempted on a wholesale' scale, would impose an excessive financial burden resting in the last analysis upon the public. The program should have due regard to the relative costs and advantages of grade crossing elimination and other methods of protection, and should be given the most thorough joint consideration by proper authority. In laying out new highways or railroads, or relocating existing highways or railroads, grade crossings should be avoided or eliminated whenever feasible. In eliminating grade crossings, narrow or obstructed underpasses and sharp turns in the approaches thereto should be avoided. Authority to order grade separations or proper protection at grade crossings should be vested in the commission having jurisdiction over the railways, and this commission should also determine the proper division of costs between the railroads and the public. The state highway department or other highway authorities should plan the improvement and initiate the proceedings for all highways under their jurisdiction. Time is an essential element and a prompt decision should be provided for in the law.

"Railroad crossings remaining at grade should be safeguarded in every reasonable way. Standard warning signs and pavement markings should be used to mark clearly the approaches to all public railroad crossings. Where the volume of traffic requires it, additional protection should be afforded by the use of flagmen, gates or approved electric or mechanical devices standardized as far as practicable. So far as possible a clear view along the track in both directions from both sides thereof should be maintained. The placing of railroad cars near unprotected grade crossings so that the view is thereby obstructed should be discouraged. Sharp curves, abrupt changes of grade, roughness in the pavement or other conditions at or near the tracks which tend to divert the attention of the motorist should be avoided. Properly designated state commissions should be empowered to designate dangerous grade crossings at which motorists must stop."

REPORTS OF OTHER COMMITTEES

The limits of this article do not permit of more than mere mention of the reports of the other three committees of the 1926 conference. These were: Committee on Causes of Accidents—Dr. Walter V. Bingham, director, Personnel Research Federation, New York City, chairman, and Dr. F. A. Moss, George Washington University, secretary. Committee on Statistics—W. M. Steuart, director, Bureau of the Census, chairman, and J. H. Parmelee, director, Bureau of Railway Economics, secretary. Committee on Public Relations—George M. Graham, vice-president, Chandler Motor Car Co., chairman, and Ernest Greenwood, secretary, Conference on Street and Highway Safety, secretary.

These and the reports previously mentioned will repay careful study of all official and civic bodies concerned with the traffic problem.

THE NEXT STEPS

There was full recognition by the conference that the preparation and adoption of committee reports is of little value unless made effective by a consistent campaign of education and organization. An important section of the final report was devoted to the subject of education in safety and accident prevention, and an interesting report of progress along the lines recommended by the 1924 Committee on Education was presented by A. W. Whitney, chairman of that committee.

On the subject of organization, the conference said, as the concluding paragraph of its report:

"As accident reduction and the improvement of street and highway traffic conditions are primarily a problem concerning the states and municipalities, state, regional and local conferences will in many cases furnish a valuable means for working out the application of the National Conference recommendations to the conditions in various sections of the country. In communities where safety organizations already exist, such conferences should furnish the means for stimulating their work; and in cases where no safety organizations exist, the formation of such organizations, of a type appropriate to the size and condition of the community, should be a logical outcome of state regional or local conferences. Such conferences will afford opportunity for appropriate activity by the associations and groups undertaking to promote the adoption of various parts of the conference program."

BRIEF REVIEW OF CITY AND REGIONAL PLANNING IN THE UNITED STATES, 1925[1]

BY THEODORA KIMBALL HUBBARD

Hon. Librarian, American City Planning Institute

Mrs. Hubbard again contributes her annual review of city planning. ::

The year 1925 in city planning shows a solid gain. News is at hand from about four hundred and fifty cities and towns, a hundred more than for 1924, and two hundred more than for 1923. Of the sixty largest cities in the United States, only one (San Antonio) has not been heard from; and all the very largest, from Washington, D. C., up, have regional as well as municipal projects under way. Over a hundred of the four hundred and fifty communities reported have a population of less than five thousand. Of the states, there are only four from which no city planning news was received. Another striking figure reported for 1925, from the division of building and housing of the department of commerce, reveals the number of people in the country living in zoned municipalities as over twenty-seven million.

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[1] Abridged from the fuller survey in *City Planning* for April, 1926, pp. 87–116, which also contains a list of Plan Reports for the year, pp. 145–151.

In addition to the American City Planning Institute, there are some thirty national organizations listed in the *American City's Municipal Index* for 1925 which are known to be actively interested in problems of town and regional planning. Among the leaders in 1925 were the National Conference on City Planning, National Association of Real Estate Boards, the Chamber of Commerce of the United States, the American Civic Association, the American Society of Civil Engineers, the National Housing Association, the National Municipal League, and the National Safety Council. The establishment of the quarterly *City Planning* in April, 1925, has created a new opportunity for the exchange of ideas and experience among those in the forefront of the work, whatever their professional or official viewpoint.

That city planning has become recognized as an absolute necessity appears from the staggering figures given for the economic losses caused by traffic congestion and traffic accidents, in large measure preventable or possible of correction. In the New York region $1,000,000 per day is the estimated loss from traffic congestion; in Chicago, the newest figures place the losses as $120,000,000 for the past year. Boston loses over $6,000,000 annually in trucking costs alone. Traffic congestion costs Cincinnati $100,000 per day and the typical smaller city of Worcester, $35,000 per day. The actual cost of rectifying mistakes in the street system caused by poor subdividing in Des Moines is estimated at nearly $2,000,000 in the last seven years.

INTERNATIONAL CONFERENCES

The success of the International Town Planning Conference in New York in April,—the first held in this country—has been attested in the press both here and abroad. Many came, from Canada, Great Britain, Ireland, Australia, and New Zealand, Mexico, Argentina, and Peru, Sweden, Norway, Finland, Holland, France, and Switzerland, Germany and Austria, Poland, Czechoslovakia, Jugoslavia, Serbia, Bulgaria, Greece, and Turkey, China and Japan—over a hundred foreign representatives. Of our own states, thirty-four were represented by mayors, city officials, and delegates of planning commissions from several hundred cities and towns. The keynote of the conference was the need for regional planning and for better distribution of the population now crowded into great cities. This was the message of Mr. Ebenezer Howard and his English colleagues of the garden city movement. This was the real remedy agreed on for the appalling street traffic congestion reported from all over the country.

The Pan-American Conference on Capital Cities held in Washington under the auspices of the American Civic Association was another international event in which many foreign delegates participated, making it a point of departure for the tours which several groups made after the New York meetings. In the early summer, before the Third International Congress of Cities in Paris, its leading spirit, Senator Vinck of Belgium, made a visit to this country, which, it is hoped, may help toward the establishment of a real Center of Civic Documentation in Washington to co-operate with the International Union. A step forward in 1925 also may be recorded, as a direct result of the Paris Congress, where Mr. Stutz of Kansas, secretary of the International City Manager's Association, promised to translate and publish in full in the Association's

Monthly Magazine the important bibliography of civic affairs (including city planning) hitherto published only in French, known as the *Tablettes Documentaires*, and already known to readers of the *American City* in the interesting extracts prepared by Stephen Child, which will now be discontinued.

OUTSTANDING EVENTS

Every few years some great flood, fire, or earthquake fills us with horror, but not always does such a disaster as visited Santa Barbara find a city so well prepared for re-building. Shortly before the earthquake its major street and park plan had been adopted, zoning was already in operation, and the Community Arts Association had created strong interest in the preservation of local architectural individuality in the Spanish tradition. In Florida, too, Spanish architecture has been followed in the building of the many new resort towns springing up like magic along the shores. The whole sensational development of Florida is indeed one of the outstanding city planning events of 1925, to be more fully understood after the land boom aspects have cleared away.

Another southern state, Georgia, came to the front in 1925 in legislative preparation for many communities to follow the example of Atlanta. The state of Pennsylvania may again benefit by renewed activity on the part of the bureau of municipalities at Harrisburg after an unfortunate interim due to lack of appropriations. The establishment of the bureau of plans and surveys in Baltimore, an official city planning agency enlarging and continuing the well-known topographical survey work, is important, and encouraging as a basis for the ultimate victory of zoning in Maryland.

In New York state, the Niagara Frontier Planning Board created by the 1925 legislature began to function on July first, one of the most notable regional undertakings in the country. The Los Angeles city and county major street plan, recorded last year, reports $32,000,000 of street openings and widenings already ordered or under way. Dallas sends news of good progress in carrying out features of the Kessler Plan. The success of the steps recently taken for protecting and extending the Plan of Washington depends now on congress.

The astonishing progress on the Chicago Plan, revealed in the plan commission's Fifteen-Year booklet, is a record that inspires the whole country. We shall hope soon for an estimate of the savings in food costs to the citizens of Chicago effected by the moving of the produce market and the facilitating of truck movements. Springfield, the state capital of Illinois, has this year produced and published an officially-adopted plan intended to preserve worthily the monuments of the Lincoln tradition. Cincinnati's official plan and the progress towards its realization are great achievements. Kenosha, a city of about the size set as ideal by many garden city proponents (50,000), comes to the front with first place for city planning in the Wisconsin Better Cities contest: it has a plan and it is carrying it out. St. Paul is fortunate in having an active city planning commission to make the readjustments caused by the coming to St. Paul of the $10,000,000 Ford plant.

Camden (N. J.) received especial mention at the International Conference in New York for progress on its civic center, bridge plaza, and other projects, and this city is co-operating with Philadelphia and Wilmington in the Tri-State Regional Federation. On the other side of the continent, Seattle, said to have the first American regional plan (by Bogue, 1911), has established in 1925 an official city planning commission, with the hearty support of the state chapter of the American Institute of Architects. Out in the Pacific, Honolulu reports a very active city plan commission and staff. New Orleans is encouraged by an appropriation of $20,000,000 in the 1926 budget for the work of the city planning and zoning commission.

EDUCATIONAL WORK

The need for a brief readable statement of what city planning is and how it can be brought about has been met in 1925 by several interesting documents. The "City Planning Primer" by Professors Lommel and Bates of Purdue University, was prepared for the Indiana City Planning Association and contains excellent illustrations chosen to show Indiana conditions and proposals. To aid the League of Minnesota Municipalities in its educational campaign to secure proper enabling legislation, Mr. Herrold of the St. Paul city planning board wrote "A Monograph on City and Village Planning and Zoning," published by the League, which should appeal to local town officials and voters by its sensible statements and its appendix of favorable zoning experiences assembled by a questionnaire. The bulletin "City Planning Procedure for Iowa Municipalities," prepared by Mr. Wallis, secretary of the state association, has particular interest, because, by the enabling act approved in April 1925, every city and town in Iowa has the power to create a plan commission. Directed to a much younger audience is the school primer of Dallas Civics now in preparation, with the approval of the school board, for use in seventh grade classes, so that Dallas citizens may grow up with the Kessler Plan. An interesting sort of publicity is anticipated in Cincinnati when the prize essay contest instituted in 1925 is adjudicated, the prizes being offered by the United City Planning Committee to students in the University of Cincinnati who will thus become more imbued with the official plan of Cincinnati.

The long-expected booklet on the usefulness of city planning, a companion to the Zoning Primer, prepared for the department of commerce by Secretary Hoover's Advisory Committee on City Planning, is shortly to appear, and should be helpful not only by itself, but also as a basis for the preparation of local primers such as the very interesting group just discussed. In the nature of a primer of village improvement is the Farmer's Bulletin, issued March, 1925, "Rural Planning: The Village" by Mr. Wayne C. Nason, which teaches by examples of well planned and improved small communities.

The educational campaign in Dallas, of which the civics primer just mentioned forms a part, has been carried forward during 1925 with great zeal and vigor, the Kessler Plan Association backing up in all stages the projects undertaken by the city plan commission. In Boston, more intelligent co-operation of the important groups directly affected by city planning enterprises has been secured for the city planning board through the Advisory Committee on City Planning appointed by the mayor along the lines of the very successful citizens' advisory committee which helped "put over" the Boston zoning ordinance. From Toledo, where a vigorous campaign was made in support of city plans intended to help the city compete with Detroit and Cleveland, comes an item: "Citizens who supported the civic improvement plan, which failed to receive the approval of voters at the recent election, are to continue the educational campaign"!

Newspapers in various parts of the country during 1925 have devoted much space to city planning, but not every paper has made it a front-page feature like the Rochester *Democrat-Chronicle*, which ran a long series under the title "City Planning: Rochester's next Important Task," to present "the most important subject confronting Rochester, now that the city manager form of government has been adopted." Long itself a leader in city planning, Rochester quotes Buffalo in the feature article at hand. And to Buffalo many cities may well turn for suggestions for effective publicity, since the work of the Buffalo City Plan Association and the newer Niagara Frontier Planning Association have been crowned with deserved success.

Any account of educational work for city planning in 1925 would be incomplete without mention of the great exhibition in connection with the show at the Grand Central Palace in New York last April, under the auspices of the American Institute of Architects, American City Planning Institute and other organizations, and the simultaneous special show at the headquarters of the International Town Planning Conference. Time scarcely permitted an adequate study of the very important contributions from the many foreign countries as well as our own. City planning exhibitions of note were held successfully in Pittsburgh, before New York, and in Philadelphia afterwards.

STATE ACTIVITIES

The New York state commission of housing and regional planning presented at the International Conference its remarkable beginnings of a plan for the state of New York, with an exhibition of the state survey material already prepared. The New York State Federation of Planning Boards held its first meeting in New York at the same time. This state commission and its bureau have also done notable work in promoting regional planning in the state. The *Civic Improvement Items* of the Iowa Town Planning Association has appeared steadily, full of useful news. Several news sheets, two valuable bulletins on special subjects and an annual report have come from the Massachusetts division of housing and town planning and the Massachusetts Federation of Planning Board, among which the state field worker has been productively active, as witness the seventy-seven boards in operation. The Federation's twelfth annual meeting was held in Boston in October.

The Ohio State Conference on City Planning held its seventh annual meeting in Dayton also in October, an exceptionally successful conference. The Indiana City Planning Association held its third annual conference in Evansville in April, 1925, which was well attended. The principal work of the League of Minnesota Municipalities for city planning has been the securing of support for bills for city and village planning and zoning, which unfortunately, after passing the house of representatives, were killed in the senate. The campaign is being renewed, with good hope for 1927.

One bulletin of the Pennsylvania Association of Cities of the Third Class appeared in 1925, issued from the bureau of municipalities after Mr. Haldeman's return. City planning and zoning are active in Pennsylvania and the bureau is giving advice to secure operation on a sound basis and to avoid the adoption of unfortunate ordinances. The state of Pennsylvania in 1925 issued its Giant Power Report which included a state-wide survey of sources of electric power and of the market available for this when developed. The state of New Jersey is making a study of its water supply to see what policy shall be most equitable in the apportionment of potable water. The work of the state highway commission in New Jersey and several other states is an important factor in broad planning.

The League of Kansas Municipalities helped to promote the passage of city planning and zoning enabling legislation for that state in 1925. The League maintains a staff available to assist cities and planning commissions desiring to initiate work under the new legislation. The Illinois Municipal League, which like the Kansas League publishes a monthly magazine, has given attention to city planning, particularly the new co-operative undertakings of the Chicago region. From a northern New England state, a section backward in city planning enterprise, comes news of an Institute of Municipal Affairs held in February, 1925, in Montpelier, Vermont, under the auspices of the Bureau of Research of Norwich University, at which the need of municipal planning was strongly emphasized.

REGIONAL AND METROPOLITAN PLANNING

In 1925, progress in regional planning organization is reported from Philadelphia, Chicago, Milwaukee, St. Paul-Minneapolis, Detroit, Pittsburgh, Boston, New York City, Albany, Buffalo, Los Angeles, and San Francisco besides counties in New York, New Jersey, Ohio and Pennsylvania, all of these having commissions or associations officially or voluntarily created.

The bill permitting the establishment of regional planning boards in New York state, signed in April 1925, has resulted in immediate activity on the part of the official Niagara Frontier Planning Board (including Niagara and Erie counties) which has already carried through studies for the park development of the region. The Niagara Frontier Planning Association, organized in 1924, continues its work of securing publicity and support for the board it was instrumental in forming. The Capital District Planning Association comprising Albany, Schenectady, and Rensselaer counties, was organized early in 1925. The eleven districts created in New York state for the administration of parks and parkways include some existing county agencies in addition to some new boards.

The exhaustive surveys of the Regional Plan of New York and its Environs have continued, it now being nearly four years since the work was announced to the public. Valuable maps have been made available, legal aid effectively given, co-operation promoted among local authorities in the region, and a stimulus given to the formation of county, city, town and village planning organizations. The enormous numbers of facts collected are now being translated by the Regional Plan into a usable preliminary guide toward the solution of the most important physical problems, and this publication is expected during the coming summer. The pages of striking points printed in the front of the Economic Survey Monographs and of the monumental Traffic Study (which begins the Engineering Series) should stir municipal and county officials, as it has the Regional Plan, to press on toward meeting the increasing congestion with some creative plans.

Regional projects in New Jersey affiliate themselves with New York on the North and Philadelphia on the South, the Northern County Park Commission, North Jersey Transit Commission, Camden County Park Association, all being engaged on important public improvements.

In Massachusetts the metropolitan planning division has continued its study of main highways for the district and coincidently, the city of Boston has made special studies of its future park system in relation to the metropolitan district as well as the city. In Wisconsin the Milwaukee county regional planning department recounts in its first annual report that it has devoted its initial efforts to the county parkway system, with regional planning and zoning next on the program. From St. Paul comes the news that the Metropolitan Planning Association is making some headway, and hopes that the sewage problem studies just being made public will help sell the regional idea of control to the St. Paul-Minneapolis neighborhood. In the St. Louis region, difficulties are constantly encountered from lack of control over development in the county outside the city limits. A constitutional amendment has been adopted and a metropolitan district is being considered.

The Regional Plan Association of San Francisco Bay Counties issued in September, 1925, a little preliminary report setting forth the most pressing problems of the region, and urging the establishment of a regional planning authority. It is stated that the major highways of the region are the most inadequate of any great metropolitan center in the whole country. San Francisco bay should be aided by the precedent of Los Angeles city and county and the splendid progress recorded on the major traffic street program there.

The Regional Planning Federation of the Philadelphia Tri-State District, growing out of the Committee on Regional Plan for the Philadelphia Metropolitan District, was formally launched in December, 1925, its work having been going on for over a year with hearty co-operation from state and local authorities, especially in connection with the highway and traffic study. The Allegheny county planning authority, for the Pittsburgh metropolitan area, is actively at work. The Detroit metropolitan area not only records far-reaching additional studies and the acceptance on referendum of the master street plan, but can actually report the opening of the super-highway from Detroit to Pontiac.

The Chicago Regional Planning Association has a most creditable report to make for 1925: its organization has been completed and surveys begun of the various public works going on within a fifty mile radius. One of the principal achievements of the Association is the agreement entered into between the United States bureau on public roads, Illinois division of highways, Cook county department of highways, and the Chicago plan commission, that the system of highways now tentatively drawn up would not be departed from by any one of the four parties without submitting the change to the other three. Not every region is as fortunate as Chicago in having an outstanding plan commission which has blazed the way for such co-operation.

For the development of the metropolitan area around our national capital, the meeting in October had great significance, when Virginia's regional planning committee, appointed by the governor to represent Arlington and Fairfax counties and Alexandria, was invited and also a representation appointed by the governor of Maryland, full co-operation having been pledged by governors of both states in the federal district regional planning project.

ZONING

The figures from the department of commerce up to December 31, 1925, show that the total number of municipalitics zoned was 422, 86 being added in 1925. Only five states lack zoning enabling acts: Montana, New Mexico, South Dakota, Vermont, and West Virginia. Five states passed such legislation in 1925, bringing the total number of states which have followed the department's Standard Zoning Act up to nineteen, out of the forty-four having zoning enabling legislation. The immediate effect of court decisions on zoning activity appears from the fact that while Massachusetts records twenty-one ordinances passed in 1925 and New York thirteen, New Jersey has not a single one. Of the twenty largest cities in the United States there are only four without zoning ordinances,—Philadelphia, Detroit, Cleveland, and Newark. Of the twenty next largest, only three have not passed ordinances, and all of these are reported as preparing for zoning. Of the twenty cities next in size, nine lack ordinances, making forty-four with, and sixteen without, out of a total of the sixty big cities.

An important and instructive zoning campaign was carried on in Buffalo, crowned with success late in 1925. The Denver and Des Moines ordinances are also of particular interest.

Of the many other cities and towns which have passed zoning ordinances in 1925, Santa Barbara, Calif.; Jacksonville, Fla.; Duluth, Minn.; Topeka, Kan.; and Fargo, N. D., might be especially mentioned, while of those with studies in progress, Birmingham, Ala.; New Haven and Hartford, Conn. (in the latter an interim ordinance exists), Manchester, N. H.; Dayton, O.; and Harrisburg, Pa., are notable. States in which a considerable number of communities are reported as actively at work for zoning are Massachusetts, Connecticut, New York, Pennsylvania, Ohio, Michigan, Illinois, Indiana, Iowa, and Florida.

PLAN REPORTS

Exigencies of space prevent a discussion of the several interesting comprehensive plan reports—Cincinnati, O.; Worcester, Mass.; Springfield, Ill.; Wichita, Kan.; Kenosha, Wis.; New Brunswick, N. J.; El Paso, Tex.; Sarasota, Fla., and Asheville, N. C.—and of the numerous special reports on zoning highways and street traffic, transit and transportation, parks and recreation, which have been published during 1925; these being covered in the Annual Survey in the April 1926 issue of *City Planning*. Taken together these reports of 1925 form a most impressive group for the use of the student of city planning and for the city official who would compare pressing problems elsewhere with those of his own city.

THE BONDED DEBT OF 210 CITIES

AS AT JANUARY 1, 1926

BY C. E. RIGHTOR

Chief Accountant, Detroit Bureau of Governmental Research, Inc.

Mr. Rightor's careful analysis and tabulation of municipal debts is an annual feature of the Review. :: :: :: :: :: ::

The tabulation reports the total bonded indebtedness of 210 cities as at January 1, 1926, classified by the purposes of general public improvements, schools, and utilities; the sinking fund totals, and a percentage analysis by classes; the net bonded debt; the net bonded debt excluding self-supporting indebtedness, and the per capita debt for same. In the last column, the cities are ranked, within the five census groups, according to the net per capita debt excluding self-supporting.

At the suggestion of the last annual conference of the National Association of Comptrollers, the 1925 census estimates of population were used instead of the 1920 census as heretofore. This increased the number of cities over 30,000 population to 280 for United States, and 19 for Canada (upon similar 1925 population estimates). The effect of self-supporting indebtedness was taken into account in reporting the net debt. To conserve space, the sinking funds by purposes are reported by percentages rather than amounts. Otherwise, the table corresponds with prior ones published in the Review.

ALMOST 12 BILLIONS OF DEBT

Reliable estimates place the gross indebtedness of state and local governments at $11,650,000,000 as at the beginning of this year. This amount includes special assessment debt and current loans. However, the tabulation herewith ignores both of these forms of indebtedness, as also certain exemptions permitted by local legislation. Issues of municipal bonds including states during the year totaled $1,400,000,000, of which the major portion was undoubtedly for cities. As retirements were not equal to issues, the debt is gradually increasing.

There is ample evidence in the detailed reports of the bureau of the census that, as cities increase in population, the per capita debt increases. Thus, the average per capita for Group I cities is higher than for the other groups, and so on. At the beginning of 1926, the city having the lowest debt, excluding Washington, which has no debt, is Bloomington, with a net per capita excluding self-supporting, of $6.37; the highest is Atlantic City, with a net per capita of $246.71. For the Canadian cities, the range is from Winnipeg with $45.23, to Edmonton with $295.07. Certain injustice must exist in these per capita figures in the case of cities having a fluctuating population, as Atlantic City, as well as for rapidly growing cities, as Norfolk and the cities in Florida and California.

In many cases, the sinking fund could not be easily separated by purposes. Atlanta reports a net debt excluding self-supporting with no deductions from the total net debt, because all ordinances provide tax levies for debt service. Of especial note is the absence of school debt in Chicago, Los Angeles, Lansing, etc. The absence of sinking funds in many instances means that only serial bonds are permitted, as in Massachusetts and New York cities. Again, the sinking fund may be small because a substantial portion of the total debt is serial bonds, and perhaps in some cases because of an inadequate provision for the retirement of the debt.

TREND STILL UPWARD

Comparison with the figures of debt reported two years ago discloses a distinct upward trend in municipal indebtedness. As an example, of nine cities in Group I for which figures are reported in both 1924 and 1926, eight cities show an increase, and only one city a reduction, in the two-year period. The aggregate increase for all the cities was $278,506,000. Eight cities increased an average of $35,050,000 each; or, omitting New York city because of its unusual financial problems involving $142,400,000 increase during the two-year period, the other seven cities averaged $19,700,000 increase each in two years. Pittsburgh decreased its debt $1,890,000 in the period.

Again, taking the Group IV cities, having 50,000 to 100,000 population,—as being more widely representative of our cities as a whole,—comparison for the same two years discloses that, of 43 cities reporting, 38 cities increased an average of $1,611,000 each; and five cities decreased an average of $669,000 each, during the two years.

Perhaps these tabulations do no more important thing than indicate this upward trend of local indebtedness, especially when nationwide publicity is urging for state and local governments the same reductions that are being reported for Federal taxes and debt. Analysis discloses that the capital outlays by local governments are for direct services which the taxpayer receives,—as schools, roads, playgrounds, hospitals, etc.,—while the concrete services rendered by the federal government to the taxpayer comprise but 20 per cent of the total expenditures, the balance being for interest on the public debt and war and post-war requirements.

QUESTIONS EACH CITY MUST ANSWER

The tabulation may be of value in calling attention to things which the citizen should know but which the table itself fails to indicate. It shows the total by purposes,—were they necessary public purposes? Were the bond maturities co-ordinate with the probable life of the improvements? Were they for self-supporting services? Were they voted by the people? Were the proceeds economically expended, and has the city ample assets back of the indebtedness?

Has provision been made for the retirement of the bonds? Are the sinking funds adequate at the present time? How far has the city gone in acquiring permanent improvements out of taxes —"pay as you go"—as against issuing bonds for them?

Should the city's debt include a statement of bonds authorized but not issued?

These are questions which cannot be answered in a mere statistical summary, and which each community must answer for itself. In this connection, however, it is believed that there will be a general interest in the Model Bond Law which is to be sponsored at an early date by the National Municipal League, setting forth the provisions which should govern the incurrence of debt by municipalities.

Questionnaires were sent to 280 cities of the United States and 19 cities in Canada.

BONDED DEBT OF 210 CITIES AS AT JANUARY 1, 1926

Compiled by the Detroit Bureau of Governmental Research, Inc.

From Data Furnished by Members of the Governmental Research Conference, City Officials, and Chambers of Commerce

City	Census July 1, 1925	General improvement bonds	Public school bonds	Public utility bonds	Total gross bonded debt	Sinking fund				Total net bonded debt	Net debt, excluding self-supporting	Per capita net debt excluding self-supporting	Rank within group
						Total	General improvement (per cent)	Public school (per cent)	Public utility (per cent)				
Group I *Population, 500,000 and over*													
1. New York City, N. Y.[1]	5,873,356	$504,239,719	$264,817,082	$734,918,826	$1,503,975,627	$274,329,183	..	..	..	$1,229,646,444	$910,000,000	$154.93	1
2. Chicago, Ill.[2]	2,995,239	156,979,900	......	6,240,500	163,220,400	......	..	..	..	163,220,400	156,979,900	50.24	9
4. Detroit, Mich.[3]	1,242,044	84,259,216	50,872,850	51,757,114	186,889,180	16,933,121	45	32	23	169,956,059	127,904,452	102.97	3
5. Los Angeles, Calif.[4]	1,125,000	41,116,163	......	92,526,050	133,642,213	10,118,264	24	..	76	123,523,949	37,710,536	33.52	10
6. Cleveland, O.[5]	936,485	79,554,377	30,865,000	37,493,854	147,913,231	23,818,780	74	13	13	124,094,451	89,634,374	95.71	4
7. St. Louis, Mo.[6]	821,543	28,256,000	2,277,000	6,053,000	36,586,000	10,848,441	94	4	2	25,737,559	19,884,559	24.20	11
9. Boston, Mass[7]	779,620	75,120,701	14,865,800	44,725,700	134,712,201	44,423,680	64	17	19	90,288,521	53,882,153	69.11	7
10. Pittsburgh, Pa.	631,563	32,678,000	18,865,800	7,793,000	59,336,800	5,273,736	65	30	5	54,063,063	46,517,363	73.65	6
11. San Francisco, Calif.[8]	557,530	22,002,400	10,850,000	43,590,000	76,442,400	2,521,600	41	15	44	73,920,800	70,330,800	126.14	2
12. Buffalo, N. Y.	538,016	31,026,867	21,818,000	15,770,553	68,615,420	5,500,438	46	..	54	63,114,982	50,310,626	93.51	5
13. Washington, D. C.	513,994	......	......	No Bon	ded Debt	......	..	..	..	......	......	......	12
14. Milwaukee, Wis.	509,192	28,279,050	8,204,750	120,000	36,603,800	2,629,250	76	23	1	33,974,550	33,869,550	66.51	8
Group II *Population, 300,000 to 500,000*													
15. Newark, N. J.	452,513	$33,419,000	$15,568,200	$14,167,000	$63,154,200	$11,680,224	58	23	19	$51,473,976	$39,473,854	$87.23	5
16. Minneapolis, Minn.[9]	425,435	23,625,194	18,471,540	1,789,000	43,885,734	4,957,957	..	..	..	38,927,777	37,138,777	87.29	4
17. New Orleans, La.[10]	414,493	37,830,000	1,500,000	......	39,330,000	......	..	..	..	39,330,000	39,330,000	94.88	3
18. Seattle, Wash.[11]	411,578	18,268,500	8,967,000	34,204,500	61,440,000	734,586	97	..	3	60,705,414	26,520,446	64.45	8
19. Cincinnati, O.[12]	409,333	54,782,510	11,326,000	42,897,230	109,005,740	30,184,676	61	7	32	78,821,064	51,925,945	126.85	1
20. Kansas City, Mo.	367,481	28,085,000	16,460,000	......	44,545,000	7,846,009	41	59	..	36,698,991	36,698,991	99.86	2
21. Indianapolis, Ind.	358,819	14,553,770	10,946,820	......	25,500,590	871,713	65	35	..	24,628,877	24,628,877	68.63	7
22. Rochester, N. Y.	316,786	14,396,700	9,697,600	11,269,000	35,363,300	4,676,073	29	13	58	30,687,227	22,135,530	69.87	6
24. Louisville, Ky.[13]	305,935	15,371,500	1,966,400	1,079,000	18,416,900	2,954,230	82	7	11	15,462,670	14,709,426	48.08	9
Group III *Population, 100,000 to 300,000*													
25. Toledo, O.	287,380	$22,783,349	$12,158,000	$1,939,000	$36,880,349	$5,496,072	91	..	6	$31,384,277	$29,931,053	$104.15	7
26. Portland, Ore.[14]	282,383	22,202,174	5,420,025	13,586,000	41,208,199	4,057,637	48	..	52	37,150,562	25,668,239	90.90	13
27. Denver, Colo.[15]	280,911	760,000	10,629,500	21,573,600	32,963,100	239,935	86	..	14	32,723,165	11,183,456	39.81	44
28. Columbus, O.[16]	279,836	18,712,366	10,212,000	9,554,000	38,478,366	11,662,777	58	24	18	26,815,589	20,176,589	72.10	20
29. Providence, R. I.	267,918	15,260,000	6,200,000	16,078,000	37,538,000	13,125,411	100	..	..	24,412,589	8,334,589	31.11	47
31. Houston, Texas	252,976	17,160,000	5,107,000	1,533,000	23,800,000	2,714,219	91	..	9	21,085,781	19,807,029	78.30	16
32. St. Paul, Minn.	246,001	12,709,000	8,401,000	7,282,000	28,392,000	3,232,027	71	..	29	25,159,973	18,815,107	76.48	17
33. Atlanta, Ga.	224,300	4,582,000	3,838,000	2,910,000	11,330,000	2,374,466	67	8	25	8,955,534	8,955,534	39.92	43
34. Omaha, Neb.[17]	211,768	12,773,480	9,896,000	11,392,000	34,061,480	4,478,835	13	19	68	29,582,645	21,193,486	100.08	8
36. Birmingham, Ala.	205,670	6,442,500	6,531,000	155,000	13,128,500	581,631	..	..	..	12,546,869	12,391,869	60.25	31
37. San Antonio, Texas	198,069	11,708,500	3,562,500	7,000,000	22,271,000	960,008	57	32	1	21,310,992	14,404,729	72.72	19
39. Worcester, Mass.	190,757	8,445,500	1,356,500	2,962,700	12,764,700	4,419,154	54	..	46	8,345,546	7,405,646	38.82	45
40. Richmond, Va.[18]	186,403	22,592,185	4,385,395	6,888,550	33,866,130	7,130,424	96	..	4	26,735,706	20,405,440	109.47	5
41. Syracuse, N. Y.[19]	182,003	7,394,125	6,962,983	3,983,000	18,340,108	1,231,552	77	10	13	16,108,556	12,247,181	67.29	23

42. New Haven, Conn.	178,927	10,377,000	822,000	......	11,159,000	713,800	..	..	..	10,445,200	10,445,200	58.38	32
43. Memphis, Tenn.	174,533	14,342,200	5,373,000	6,243,000	25,958,200	1,611,886	41	30	29	24,346,314	18,576,042	106.43	6
44. Dayton, O.	172,942	9,410,300	5,000,000	3,016,000	17,426,300	2,633,799	100	..	..	14,792,501	11,776,501	68.09	22
45. Norfolk, Va.[20]	161,000	18,335,526	4,743,026	14,769,948	37,848,500	3,957,515	77	..	23	33,890,985	20,043,486	124.49	2
46. Hartford, Conn.	160,197	4,828,481	9,218,800	4,670,000	18,717,281	2,443,966	60	22	18	16,273,315	12,038,322	75.15	18
47. Youngstown, O.	159,970	8,379,888	4,365,000	1,138,000	13,882,888	2,706,200	68	27	5	11,176,688	10,089,688	63.07	29
48. Bridgeport, Conn.	155,000	8,989,000	4,130,000	......	13,119,000	......	..	..	..	13,119,000	13,119,000	84.63	15
49. Fort Worth, Texas	154,847	6,644,000	4,408,000	3,966,000	15,018,000	1,790,057	37	25	38	13,227,943	9,940,058	64.19	27
50. Grand Rapids, Mich.	153,698	3,943,000	4,911,100	3,293,000	12,147,100	1,051,314	50	..	50	11,095,786	8,329,813	54.20	37
52. Springfield, Mass.	142,065	9,796,500	3,783,400	2,037,000	15,616,900	347,539	34	66	..	15,269,361	13,232,361	93.14	11
54. Des Moines, Ia.	141,441	5,832,333	7,467,500	5,000,000	18,299,833	301,000	20	..	80	17,998,833	13,238,833	93.60	10
55. Nashville, Tenn.	136,220	8,571,000	1,205,000	3,090,000	12,866,000	669,660	..	..	..	12,196,340	9,106,340	68.32	21
56. Oklahoma City, Okla.	135,000	5,523,600	5,256,800	5,615,000	16,395,400	4,891,191	36	34	30	11,504,209	7,372,468	54.61	36
58. Salt Lake City, Utah	130,948	3,305,500	3,616,000	2,756,700	9,678,200	579,371	11	71	18	9,098,829	6,448,624	49.24	39
59. Flint, Mich.	130,316	5,767,500	7,050,000	3,256,500	16,074,000	238,660	100	..	..	15,835,340	12,578,840	96.52	9
61. Camden, N. J.	128,942	7,226,865	3,761,250	1,792,200	12,780,315	3,165,236	64	12	24	9,615,079	8,572,695	66.48	25
62. Tulsa, Okla.	124,478	2,964,915	4,974,000	9,352,000	17,290,915	2,797,135	19	29	52	14,493,780	14,493,780	116.44	3
64. Erie, Pa.	120,000	4,100,000	3,223,000	230,000	7,553,000	511,489	72	..	28	7,041,511	6,955,479	57.96	33
66. New Bedford, Mass.	119,539	8,843,000	2,722,000	2,317,000	13,911,000	1,765,550	37	1	62	12,145,450	10,876,450	90.99	12
67. Albany, N. Y.	117,820	8,106,108	3,656,090	2,828,500	14,590,698	1,481,380	77	..	23	13,109,319	10,618,620	90.12	14
68. Kansas City, Kan.	116,053	4,227,959	3,051,000	6,518,500	13,797,459	1,224,419	37	14	49	12,573,040	6,658,161	57.37	34
69. Yonkers, N. Y.	113,647	8,225,880	7,008,410	2,741,000	17,975,290	......	..	..	..	17,975,290	15,234,290	134.05	1
70. Reading, Pa.	112,707	2,370,000	5,511,200	354,000	8,235,200	670,004	36	56	8	7,565,196	7,265,037	64.46	26
71. Duluth, Minn.	110,502	3,555,000	3,725,000	3,591,000	10,871,000	212,221	100	..	..	10,658,779	7,067,779	63.96	28
72. Lowell, Mass.	110,296	3,543,170	2,094,750	256,750	5,894,670	253,601	..	100	..	5,641,069	5,384,319	48.82	40
73. Spokane, Wash.	108,897	3,277,600	1,655,000	1,453,000	6,385,600	1,488,400	37	53	10	4,897,200	3,590,875	32.98	46
74. Elizabeth, N. J.	107,000	1,848,963	4,229,850	......	6,078,813	430,303	..	100	..	5,648,510	5,648,510	52.79	38
75. Canton, O.	106,260	6,480,064	7,679,000	1,783,638	15,942,702	2,476,784	97	3	..	13,465,918	11,682,280	109.94	4
76. San Diego, Calif.	106,047	4,300,641	3,253,800	8,409,184	15,963,625	860,150	23	26	51	15,103,475	7,131,506	67.25	24
77. El Paso, Texas	104,929	3,408,000	2,491,692	1,512,000	7,411,692	1,128,191	56	27	17	6,283,501	4,960,542	47.27	41
78. Tacoma, Wash.[21]	104,455	4,860,000	2,747,000	5,658,495	13,265,495	1,788,376	88	12	..	11,477,119	5,818,624	55.70	35
79. Lynn, Mass.[22]	103,081	4,857,490	......	1,499,000	6,356,490	826,538	46	..	54	5,529,953	4,474,513	43.40	42
80. Utica, N. Y.	101,604	4,512,335	2,343,915	......	6,856,250	690,030	100	..	..	6,166,220	6,166,220	60.69	30
GROUP IV *Population, 50,000 to 100,000*													
81. Somerville, Mass.	99,032	$701,000	$912,000	......	$1,613,000	......	..	..	..	$1,613,000	$1,613,000	$16.29	55
83. Knoxville, Tenn.[22]	95,464	10,516,856	......	$2,467,000	12,983,856	$579,387	86	..	14	12,404,469	10,016,119	104.83	9
85. Tampa, Fla.[23]	94,743	6,410,500	......	2,541,000	8,951,500	1,141,165	97	..	3	7,810,335	5,300,862	55.95	25
86. Evansville, Ind.	93,601	1,463,300	1,907,400	590,000	3,960,700	84,275	100	..	..	3,876,425	3,286,425	35.11	17
87. Lawrence, Mass.	93,527	3,519,520	1,737,000	338,000	5,594,520	23,552	..	..	100	5,570,968	5,256,520	56.20	24
88. Savannah, Ga.	93,134	3,485,000	408,000	......	3,893,000	239,500	100	..	..	3,653,500	3,653,500	39.23	45
90. Allentown, Pa.	92,151	1,367,200	3,722,800	89,600	5,179,600	592,655	17	82	1	4,586,945	4,505,233	48.89	34
92. Long Beach, Calif.[24]	91,182	4,656,353	7,142,285	4,270,000	16,068,638	753,300	20	75	5	15,315,338	11,084,350	121.56	8
94. Wichita, Kan.	88,367	3,233,499	1,952,500	......	5,285,999	200,000	50	50	..	5,085,999	5,085,999	57.55	23
96. Manchester, N. H.	83,097	3,115,166	2,327,834	20,000	5,463,000	173,864	100	..	..	5,289,136	5,269,136	63.41	19
97. Hamtramck, Mich.	81,731	1,172,482	3,094,500	361,000	4,627,982	229,277	..	22	78	4,398,705	4,215,747	51.58	31
98. Peoria, Ill.	81,564	302,000	713,000	......	1,015,000	121,000	100	..	..	894,000	894,000	10.96	57
99. South Bend, Ind.	80,091	1,028,000	3,186,000	1,050,000	5,264,000	......	..	..	..	5,264,000	4,214,000	52.61	29
100. St. Joseph, Mo.	78,342	2,365,000	1,184,000	......	3,549,000	355,000	72	28	..	3,194,000	3,194,000	40.77	39
101. Wilkes-Barre, Pa.	77,644	2,799,000	539,500	......	3,338,500	157,589	100	..	..	3,180,911	3,180,911	40.97	38
103. Rockford, Ill.	76,462	814,900	1,035,000	375,000	2,224,900	243,000	45	35	20	1,981,900	1,656,900	21.67	52
104. Sioux City, Ia.	76,411	1,886,000	2,140,000	100,000	4,126,000	246,939	79	18	3	3,879,061	3,784,786	49.53	32
106. Little Rock, Ark.	74,216	1,910,000	582,500	......	2,492,500	5,075	100	..	..	2,487,425	2,487,425	33.52	48

BONDED DEBT OF 210 CITIES AS AT JANUARY 1, 1926—*Continued*

City	Census July 1, 1925	General improvement bonds	Public School bonds	Public utility bonds	Total gross bonded debt	Sinking fund				Total net bonded debt	Net debt, excluding self-supporting	Per capita net debt excluding self-supporting	Rank within group
						Total	General improvement (per cent)	Public school (per cent)	Public utility (per cent)				
GROUP IV—*Continued* *Population, 50,000 to 100,000*													
108. Highland Park, Mich.	72,289	2,875,491	4,542,000	1,354,626	8,772,117	2,476,152	30	45	25	6,295,965	5,556,264	76.86	16
109. Sacramento, Calif.	72,260	3,819,200	5,247,000	3,387,720	12,453,920	......	..	..	..	12,453,920	9,251,200	128.02	7
112. Binghamton, N. Y.	71,915	3,135,250	2,883,450	100,000	6,118,700	205,615	100	..	..	5,913,085	5,813,085	80.83	14
113. Johnstown, Pa.	71,475	4,295,500	3,629,000	......	7,924,500	1,076,990	45	55	..	6,847,510	6,847,510	95.80	12
116. Lansing, Mich.[25]	70,753	2,153,700	......	5,403,100	7,556,800	354,792	..	..	100	7,202,008	2,153,700	30.43	49
119. Winston-Salem, N. C.	69,031	4,426,268	1,721,000	1,685,356	7,832,624	303,056	..	..	..	7,529,568	5,844,212	84.66	13
121. Springfield, O.	68,725	1,668,799	1,652,492	265,000	3,586,291	670,166	83	17	..	2,916,125	2,651,125	38.57	44
122. Chester, Pa.	68,507	1,979,000	1,915,500	......	3,894,500	1,114,450	44	56	..	2,780,050	2,780,050	40.58	40
123. Hoboken, N. J.[26]	68,166	7,219,471	3,737,635	354,000	11,311,106	1,455,486	64	32	4	9,855,620	9,552,341	140.13	5
124. New Britain, Conn.	68,039	1,864,000	2,781,000	1,215,000	6,218,000	545,109	24	20	56	5,672,891	4,402,503	64.70	18
127. Berkeley, Calif.	66,209	565,955	2,690,000	......	3,255,955	......	..	..	..	3,255,955	3,255,955	49.18	33
128. Altoona, Pa:	66,148	1,146,000	2,200,000	707,000	4,053,000	816,350	78	22	..	3,236,650	2,529,650	38.24	45
129. Mobile, Ala.	65,955	2,255,000	700,000	1,323,500	4,278,500	329,409	86	1	13	3,949,091	2,668,211	40.45	42
130. Brockton, Mass.	65,343	1,995,900	869,500	1,551,800	4,417,200	565,628	..	..	100	3,851,572	2,865,400	43.85	37
131. Springfield, Ill.	63,923	772,500	547,500	720,000	2,040,000	......	..	..	..	2,040,000	1,320,000	20.65	53
136. Lincoln, Neb.	60,941	412,000	3,341,500	300,000	4,055,500	41,200	..	..	100	4,014,300	3,755,500	61.62	21
137. Holyoke, Mass.[27]	60,335	2,389,000	52,000	1,918,000	4,359,000	493,896	..	..	100	3,865,104	2,441,000	40.46	41
138. Quincy, Mass.	60,055	1,908,000	1,241,000	266,000	3,415,000	......	..	..	..	3,415,000	3,149,000	52.43	30
139. Wheeling, W. Va.[23]	60,000	1,923,700	......	2,000,000	3,923,700	357,960	73	..	27	3,565,740	1,664,296	27.74	50
140. East Orange, N. J.	59,967	1,958,000	1,890,245	1,510,000	5,358,245	1,279,815	21	26	53	4,078,430	3,244,995	54.11	27
141. Portsmouth, Va.	59,029	4,967,700	1,048,400	3,150,000	9,166,100	805,518	25	..	75	8,360,582	5,812,031	98.46	10
142. Fresno, Calif.	58,485	728,500	2,480,000	......	3,208,500	......	..	..	..	3,208,500	3,208,500	54.86	26
144. Macon, Ga.[23]	58,237	1,423,000	......	640,000	2,093,000	164,750	100	..	..	1,928,250	1,288,250	22.13	51
145. Roanoke, Va.[23]	58,208	6,166,000	......	......	6,166,000	545,280	100	..	..	5,620,720	5,620,720	96.56	11
146. Wichita Falls, Texas	58,026	2,018,000	1,827,000	962,000	4,807,000	278,482	21	39	40	4,528,518	3,679,104	63.40	20
147. Jackson, Mich.	57,972	2,110,229	2,164,000	1,017,375	5,291,604	231,117	74	..	26	5,060,487	4,103,303	70.78	17
148. Shreveport, La.[23]	57,857	2,108,500	......	2,433,000	4,541,500	37,902	100	..	..	4,504,408	2,071,408	35.80	46
149. Niagara Falls, N. Y.	57,033	4,704,649	4,508,119	1,857,630	11,070,399	......	..	..	..	11,070,399	9,212,769	161.53	3
150. Lakewood, O.	56,774	4,963,916	4,649,000	......	9,612,916	726,275	100	..	..	8,886,641	8,886,641	156.53	4
151. Pasadena, Calif.	56,732	3,962,235	4,230,000	2,548,315	10,740,550	582,134	77	..	23	10,158,416	7,743,260	136.49	6
153. Topeka, Kan.[28]	55,411	563,468	40,700	1,173,588	1,777,756	188,879	54	9	37	1,588,877	817,877	14.76	56
155. Decatur, Ill.	53,859	171,699	1,055,000	850,000	2,076,699	460,253	44	56	..	1,616,446	970,668	18.02	54
156. Kalamazoo, Mich.[23]	53,613	169,137	......	93,150	262,287	19,990	100	..	..	242,297	149,147	2.78	58
158. Atlantic City, N. J.	53,287	11,817,450	3,928,000	2,714,000	18,459,450	3,646,741	62	11	27	14,812,709	13,076,595	246.71	1
160. Davenport, Ia.	52,469	1,674,500	1,209,000	......	2,883,500	113,886	37	63	..	2,769,614	2,769,614	52.78	28
161. Malden, Mass.	51,789	1,760,000	843,600	12,000	2,615,600	327,085	94	..	6	2,288,515	2,276,515	43.96	36
163. Kenosha, Wis.	50,891	393,000	2,016,000	366,000	2,775,000	......	..	..	..	2,775,000	2,409,000	47.33	35
164. Beaumont, Texas	50,615	3,532,895	1,223,255	886,500	5,642,650	864,811	59	23	18	4,777,839	4,045,529	79.92	15
165. Cedar Rapids, Ia.	50,561	1,048,900	1,936,000	416,000	3,400,900	......	..	..	..	3,400,900	2,984,900	59.04	22
167. Mount Vernon, N. Y.	50,382	7,098,050	2,256,000	2,093,000	11,447,000	412,599	28	..	72	11,034,401	9,238,235	183.36	2
GROUP V *Population, 30,000 to 50,000*													
168. New Castle, Pa.	49,842	$1,117,000	$1,560,000	......	$2,677,000	$167,398	100	..	..	$2,509,602	$2,509,602	$50.35	35

169. Woonsocket, R. I.......	49,681	6,726,000	450,000	804,000	7,980,000	1,822,394	82	3	15	6,157,606	5,624,095	113.20	4
170. Haverhill, Mass.[23].......	49,232	1,796,000	......	127,000	1,923,000	468,562	87	..	13	1,454,438	1,389,365	28.22	59
172. York, Pa..............	49,074	1,320,000	958,500	......	2,278,500	378,235	88	12	..	1,900,265	1,900,265	38.72	47
173. Charleston, W. Va......	49,019	1,762,500	2,271,500	......	4,034,000	1,092,523	43	57	..	2,941,477	2,941,477	60.01	25
174. Bay City, Mich.........	48,907	592,500	2,325,000	1,934,000	4,851,500	751,825	35	55	10	4,099,675	2,240,965	45.82	41
178. Pontiac, Mich..........	47,455	1,277,750	2,231,000	1,267,000	4,775,750	328,536	..	99	1	4,447,214	3,184,893	67.11	20
179. Stockton, Calif.[23].......	47,287	2,846,850	......	......	2,846,850	......	..	..	..	2,846,850	2,846,850	60.20	24
180. Chelsea, Mass..........	47,247	2,014,220	1,324,750	......	3,338,970	583,066	60	40	..	2,755,904	2,755,904	58.33	30
181. Perth Amboy, N. J......	47,136	835,500	1,404,900	1,581,000	3,821,400	786,486	35	32	33	3,034,913	1,712,915	36.34	51
182. Greensboro, N. C........	47,132	2,396,666	1,074,000	2,113,000	5,583,666	224,907	58	5	37	5,358,759	3,329,706	70.64	18
183. Newport News, Va......	47,083	2,106,000	940,000	......	3,046,000	508,978	100	..	..	2,537,022	2,537,022	53.88	32
184. Lexington, Ky..........	46,895	1,564,570	488,000	......	2,052,570	328,042	100	..	..	1,724,528	1,724,528	36.77	50
185. Pittsfield, Mass.........	46,877	1,109,200	466,000	919,800	2,495,000	......	..	..	..	2,495,000	1,575,200	33.60	54
186. Lima, O...............	46,717	3,126,000	1,282,852	1,144,800	5,553,652	521,249	92	8	..	5,032,403	3,887,603	83.22	8
188. Madison, Wis..........	46,385	2,673,550	1,577,668	744,000	4,995,218	861,423	..	100	..	4,133,795	3,389,795	73.08	17
190. Columbus, Ga..........	44,244	1,440,000	565,600	285,000	2,290,600	44,372	98	2	..	2,246,278	1,961,278	44.33	44
191. New Rochelle, N. Y.....	44,222	3,639,897	2,858,676	......	6,498,573	231,828	100	..	..	6,266,745	6,266,745	141.71	1
192. Waco, Texas...........	43,912	1,742,000	1,269,300	809,000	3,820,300	680,493	43	18	39	3,139,807	2,593,750	59.07	28
193. Evanston, Ill...........	43,883	392,000	1,877,500	436,000	2,685,500	......	..	..	..	2,685,500	2,249,500	51.26	34
195. Fitchburg, Mass........	43,609	1,460,500	571,000	448,300	2,479,800	29,042	..	2	98	2,450,758	2,030,927	46.57	40
197. Jamestown, N. Y.......	43,414	1,160,559	1,402,500	1,205,000	3,768,059	30,595	..	..	100	3,737,464	2,563,059	59.04	29
198. Muskegon, Mich........	43,088	1,401,000	1,900,000	549,000	3,850,000	100,000	50	..	50	3,750,000	3,251,000	75.45	14
199. Superior, Wis..........	43,000	926,500	1,231,000	......	2,157,500	70,500	100	..	..	2,087,000	2,087,000	48.53	36
201. Salem, Mass...........	42,821	1,495,500	424,500	346,000	2,266,000	......	..	..	..	2,266,000	1,920,000	44.84	43
202. Brookline, Mass........	42,681	511,035	872,800	534,400	1,918,235	......	..	..	..	1,918,235	1,383,835	32.42	55
203. Williamsport, Pa........	42,656	622,900	1,113,000	......	1,735,900	242,751	50	50	..	1.493,149	1,493,149	35.00	52
205. Hamilton, O............	42,364	1,377 511	768,039	1,874,000	4,019,550	259,900	42	..	58	3,759,650	2,035,650	48.05	38
206. Battle Creek. Mich......	43,336	508,000	370.000	......	878,000	......	..	..	..	878,000	878,000	20.26	66
207. Lorain, O..............	42,259	1,978,100	1,747,725	701,500	4,427,325	469,679	78	5	17	3,957,646	3,338,225	78.99	11
208. Durham, N. C..........	42,258	5,068,911	758,087	3,072,000	8,898,998	761,032	..	..	..	8,137,966	5,065,966	119.88	3
209. Springfield, Mo.........	42,140	54,000	603,000	......	657,000	27,796	34	66	..	629,204	629,204	14.93	68
210. Everett, Mass..........	42,072	1,141,500	916,000	64,000	2,121,500	360,704	100	..	..	1,760,796	1,696,796	40.33	46
211. Chicopee, Mass.........	41,882	846,100	582,500	370,250	1,798,850	......	..	..	..	1,798,850	1,428,600	34.11	53
213. Dubuque, Ia............	40,996	1,058,950	1,480,000	375,000	2,913,950	85,388	..	100	..	2,828,562	2,453,562	59.85	26
215. Joliet, Ill..............	40,578												
217. Rock Island, Ill.........	40,073	228,586	300,000	39,479	568,065	112,241	11	89	..	455,824	416,345	10.39	70
218. Council Bluffs, Ia.......	39,795	867,000	840,000	469,000	2,176,000	106,000	57	5	38	2,070,000	1,641,000	41.24	45
219. Taunton, Mass.........	39,255	1,210,200	528,000	1,259,000	2,997,200	837,825	55	4	41	2,159,375	1,247,497	31.78	56
223. Phoenix, Ariz..........	38,669	1,250,500	2,510,000	2,285,000	6,045,500	452,861	38	57	5	5,592,639	3,330,424	86.13	6
224. New Brunswick, N. J....	37,984	1,778,382	1,359,000	428,000	3,565,382	497,079	97	3	..	3,068,303	2,640,303	69.51	19
225. Austin, Texas..........	37,717	993,500	939,000	1,113,000	3,045,500	......	..	..	..	3,045,500	3,045,500	80.74	10
227. Wilmington, N. C.......	37,061	1,785,200	......	822,000	2,628,200	34,022	100	..	..	2,594,178	1,772,178	47.82	39
229. Ogden, Utah...........	36,869	1,819,000	968,000	905,000	3,692,000	25,000	..	100	..	3,667,000	2,762,000	74.91	15
232. Waterloo, Ia...........	36 771	871,736	1,525,500	375,000	2,771,736	......	..	..	..	2,771,736	2,396,736	65.18	21
234. Colorado Springs, Colo.[23]	36,000	959,000	......	2,322,000	3,281,000	26,000	96	..	4	3,255,000	933,000	25.92	60
236. Hazleton, Pa...........	36,143	1,560,000	1,336,500	......	2,896,500	130,006	69	31	..	2,766,496	2,766,496	76.54	12
237. Petersburg, Va.........	35,712	2,492,000	800,000	967,000	4,259,000	1,076,641	100	..	..	3,182,359	2,215,359	62.03	23
238. Poughkeepsie, N. Y.....	35,670	1,767,071	819,400	950,500	3,536,971	92,218	96	4	..	3,444,752	2,494,252	74.11	16
239. Orange, N. J...........	35,379	972,000	1,657,000	530,000	3,159,000	734,439	42	28	30	2,424,561	2,113,578	59.74	27
240. Amsterdam, N. Y.......	35,260	394,000	1,524,600	362,000	2,280,600	172,072	51	6	43	2,108,528	1,820,794	51.64	33
241. Lewiston, Me..........	34,932	863,000	95,000	444,000	1,402,000	225,000	..	..	..	1,177,000	733,000	20.98	65
244. Clifton, N. J...........	34,742	1,906,000	1,746,400	884,000	4,536,400	116,217	38	62	..	4,420,183	3,536,183	101.78	5
248. Moline, Ill.............	33,910	37,500	241,000	80,000	358,500	1,587	100	..	..	356,913	276,913	8.17	71
250. Cumberland, Md.......	33,741	1,165,000	1,875,000	2,244,900	5,284,900	375,583	44	..	56	4,909,317	2,873,788	85.17	7

BONDED DEBT OF 210 CITIES AS AT JANUARY 1, 1926—*Continued*

City	Census July 1, 1925	General improvement bonds	Public School bonds	Public utility bonds	Total gross bonded debt	Sinking fund				Total net bonded debt	Net debt, excluding self-supporting	Per capita net debt excluding self-supporting	Rank within group
						Total	General improvement (per cent)	Public school (per cent)	Public utility (per cent)				
GROUP V—*Continued* *Population, 30,000 to 50,000*													
253. Revere, Mass.	33,261	1,024,722	1,060,320	201,875	2,286,917	......	..	..	..	2,286,917	2,085,042	62.69	22
254. Oshkosh, Wis.	33,217	478,000	572,000	570,000	1,620,000	......	..	..	..	1,620,000	1,050,000	31.61	57
257. Watertown, N. Y.	32,836	848,835	765,500	943,500	2,557,835	153,450	35	40	25	2,404,385	1,499,979	45.68	42
259. Muskogee, Okla.	32,175	1,854,154	1,255,000	1,020,000	4,129,154	1,842,447	70	..	30	2,286,707	1,811,094	55.71	31
261. Alameda, Calif.	31,876	303,270	639,473	130,257	1,073,000	......	..	..	..	1,073,000	942,743	29.57	58
263. Plainfield, N. J.	31,748	2,788,500	1,385,000	......	4,173,500	168,429	..	..	..	4,005,071	4,005,071	126.15	2
265. Port Arthur, Texas	31,513	1,611,300	1,300,000	1,418,000	4,329,300	516,122	31	35	34	3,813,178	2,573,997	81.61	9
267. Hagerstown, Md.	31,357	2,378,000	......	1,425,000	3,803,000	......	..	..	..	3,803,000	2,378,000	75.84	13
269. Middletown, O.	30,823	809,712	......	237,500	1,047,212	33,110	100	..	..	1,014,102	776,602	25.20	63
270. Richmond, Ind.	30,495	145,000	647,000	......	792,000	5,235	100	..	..	786,765	786,765	25.80	61
271. Newark, O.	30,461	406,000	418,400	483,000	1,307,400	1,805,519	41	6	53	1,126,881	1,126,881	36.99	48
273. Bloomington, Ill.	30,421	225,000	160,000	149,000	534,000	153,506	20	..	80	220,494	193,750	6.37	72
274. LaCrosse, Wis.	30,421	632,000	764,000	588,000	1,984,000	613,000	..	..	..	1,371,000	783,000	25.74	62
275. Newburgh, N. Y.	30,419	449,997	268,720	805,231	1,523,948	167,094	100	..	..	1,356,854	551,623	18.13	67
276. Clarksburg, W. Va.[23]	30,402	452,500	......	412,400	864,900	60,015	78	..	22	804,885	380,517	12.51	69
277. Lynchburg, Va.	30,395	1,530,800	899,000	1,603,000	3,032,800	1,371,441	55	8	37	1,761,359	658,828	21.67	64
279. Rome, N. Y.	30,328	304,000	817,000	618,000	1,739,000	162,470	..	..	100	1,576,530	1,121,000	36.96	49
280. Sioux Falls, S. D.	30,127	556,500	1,382,000	447,500	2,461,000	600,071	26	54	20	1,785,929	1,462,545	48.50	37

City	Census July 1, 1925	General improvement bonds	Public School bonds	Public utility bonds	Total gross bonded debt	Sinking fund				Total net bonded debt	Net debt, excluding self-supporting	Per capita net debt excluding self-supporting	Rank within group
						Total	General improvement (per cent)	Public school (per cent)	Public utility (per cent)				
CANADIAN CITIES													
1. Montreal, Que.[29]	864,527	$96,542,078	$30,295,157	$29,995,014	$156,832,249	$13,644,444	83	17	..	$143,187,805	$113,192,791	$130.93	8
2. Toronto, Ont.[30]	549,429	41,882,735	22,933,168	99,135,882	163,951,785	24,536,626	40	15	45	139,415,159	51,417,742	93.58	10
3. Winnipeg, Man.[31]	285,000	9,712,258	9,025,000	25,057,929	43,795,187	10,815,662	35	19	46	32,979,525	12,893,234	45.23	12
4. Vancouver, B. C.	126,747	19,855,942	4,486,900	6,499,351	30,842,193	8,477,561	70	12	18	22,364,632	17,386,366	137.17	5
5. Quebec, Que.	123,400	18,258,640	3,922,500	113,000	22,294,140	1,317,249	72	28	..	20,976,891	20,976,891	170.00	2
7. Ottawa, Ont.[32]	118,697	15,006,281	4,017,866	4,938,266	23,962,413	5,439,757	64	14	22	18,522,656	14,760,856	124.35	9
9. Edmonton, Alta.[33]	65,378	18,430,430	3,892,207	11,781,836	34,104,473	7,659,233	36	4	60	26,445,240	19,291,259	295.07	1
11. Victoria, B. C.	62,400	10,438,864	1,354,949	4,092,810	15,886,622	2,061,703	53	28	19	13,824,919	10,114,032	162.08	4
12. St. John, N. B.[34]	60,525	2,900,595	1,655,500	4,923,568	9,479,663	2,523,749	93	6	1	6,955,914	4,313,042	71.26	11
14. Windsor, Ont.[35]	56,433	4,645,545	3,072,583	3,485,261	11,203,389	111,035	40	60	..	11,092,354	7,607,093	134.80	6
15. Saskatoon, Sask.[36]	35,098	4,215,212	1,922,140	3,212,963	9,350,315	2,333,433	56	7	37	7,016,882	4,653,424	132.58	7
17. So. Vancouver, B. C.	32,182	5,132,569	1,029,644	1,013,050	7,175,263	917,002	72	14	14	6,258,261	5,374,493	167.00	3

NOTES. The cities are arranged in order of population according to the 1925 (July 1st) estimates by the Bureau of Census, with exceptions noted by that Bureau. Population of Canadian cities is also as estimated for 1925. Missing numbers are of cities not furnishing data.

[1] *New York City.* Debt includes corporate stock notes; utility bonds, in addition to water, include rapid transit, $302,753,874, and docks and ferries, $154,222,424; sinking funds are not separated because there are seven sinking funds, some for several purposes, and analysed with difficulty.

[2] *Chicago.* Does not include county or forest preserve district (county) bonds, $23,590,000. On January 1, 1926, 91 per cent of taxable values of the county are within the city of Chicago.

[3] *Detroit.* Utility bonds include street railway, $23,551,000, and lighting, $5,940,000; in addition, there is a street railway purchase contract for $13,580,000.

[4] *Los Angeles.* Census is local estimate; debt figures are for February 28; general bonds include municipal improvement districts, $8,953,000; utility bonds include light and power, $32,150,000, and harbor, $21,600,500.

[5] *Cleveland.* Utility bonds include light and power, $7,619,700.

[6] *St. Louis.* Net debt excluding self-supporting is estimated, utility sinking fund not being reported separately.

[7] *Boston.* Utility bonds include rapid transit, $43,585,700.

[8] *San Francisco.* General bonds include 1915 Exposition, $2,800,000; utility bonds include street railway, $3,590,000.

[9] *Minneapolis.* Utility bonds include light and power, $50,000, and other, $125,000; sinking funds not separated by purposes.

[10] *New Orleans.* No sinking fund, bond maturities being pre-arranged for retirement in series out of tax levies.

[11] *Seattle.* General bonds include commercial waterway district one, $616,000; utility bonds include light and power, $16,484,000, and street railway, $13,524,500.

[12] *Cincinnati.* Utility bonds include rapid transit, $6,100,000, and Cincinnati Southern Railway, $21,832,000; the revenues of the city from the latter exceed debt charges.

[13] *Louisville.* The sinking fund owns the entire capital stock of the Louisville Water Company, par value $1,275,100, and real value reported at least $20,000,000.

[14] *Portland.* General bonds include docks, $9,420,000; and city's portion (94.6 per cent) of port, $3,518,174; school bonds and sinking fund are 98.1 per cent of total, based on city's portion of school district valuation; utility bonds include golf, $95,000.

[15] *Denver.* Bonds of Moffat Tunnel District, $9,220,000, an independent unit including the city, are omitted.

[16] *Columbus.* Utility bonds include light and power, $1,915,000.

[17] *Omaha.* Utility bonds include gas, $4,500,000.

[18] *Richmond.* Figures are for February 1; utility bonds include light and power, $300,000, and gas, $3,482,500.

[19] *Syracuse.* No sinking fund, figures reported being current appropriations for retirement of serial bonds.

[20] *Norfolk.* Utility bonds include dock and terminal, $6,423,948.

[21] *Tacoma.* Utility bonds include light and power, $4,165,500, and street railway, $348,000.

[22] *Lynn, Knoxville.* General bonds and sinking fund include schools.

[23] *Tampa, Wheeling, Macon, Roanoke, Shreveport, Kalamazoo, Haverhill, Stockton, Colorado Springs, Clarksburg.* School debt not reported.

[24] *Long Beach.* Utility bonds include gas, $3,000,000.

[25] *Lansing.* Utility bonds include light and power, $4,043,100.

[26] *Hoboken.* General bonds include city's share of temporary improvement notes, $3,295,948.

[27] *Holyoke.* Utility bonds include gas and electric, $1,279,000, and Holyoke and Western Railroad, $187,000; sinking fund includes railroad stock at par, $226,500.

[28] *Topeka.* Utility bonds include light and power, $40,000, and street railway, $362,588.

[29] *Montreal.* Utility bonds include light and power, $1,330,000.

[30] *Toronto.* Utility-bonds include light and power, $21,706,621, and street railway, $41,647,567.

[31] *Winnipeg.* Utility bonds include hydro-electric, $15,052,000, steam heating, $550,000, and housing, $2,650,000.

[32] *Ottowa.* Utility bonds include light, $967,754.

[33] *Edmonton.* Utility bonds include light and power, $1,111,101, street railway $3,061,090, power house, $2,453,535, and telephone, $2,303,476.

[34] *St. John.* Utility bonds include light and power, $660,845, markets, $70,000, and harbor and wharves, $1,475,865.

[35] *Windsor.* Utility bonds include hydro-electric, $1,050,795, and housing, $1,498,525.

[36] *Saskatoon.* Utility bonds include light and power, $1,732,047, and street railway, $891,036.

RECENT BOOKS REVIEWED

Local Government in Many Lands. By S. Montagu Harris. London: P. S. King & Sons, Ltd., 1926. P. 329.

Data on the framework of local government in 33 countries (Western Europe, the five Dominions, Japan and the United States) as collected since 1923 for the Royal Commission headed by Lord Onslow. There is very little on politics or the electorate or on operating conditions but in 17 chapters and only 329 pages the author has condensed a huge amount of up-to-date information for those interested in local institutionalism. A conspectus-index refers to fifty odd main topics under the 33 regions cited and "general". There are also three pages of cross references. Subject to the usual limitations in fact massing this book seems useful.

W. L. Whittlesey.

Princeton University.

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The Bureau of the Mint—Service Monographs of the United States Government, No. 37, Institute for Government Research. By Jesse P. Watson

The Office of the Comptroller of the Currency—Service Monographs of the United States Government, No. 38. Institute of Government Research. By John Gilbert Heinberg.

These are the two most recent additions to the service monographs of the United States government prepared by the Institute of Government Research and published by the Johns Hopkins Press. The series is so well known, and the plan of presentation so rigidly uniform, that little can be said about these two volumes.

The historical statement which precedes each monograph offers the only opportunity for variation. Both of these services reach back into our early history and mirror in a measure the keen economic struggles through which our monetary system has passed.

The student of government will file these reports away with the others and hope that it will not be many years before the I. G. R. is ready to build upon the foundation of these factual reports.

Luther Gulick.

Our Police Guardians. By Officer "787" (John J. Hickey, retired, New York). Published by the Author. 1925.

This book is chiefly valuable as a human document. It is a history, or perhaps it would be more accurate to say an account, of the New York police department and force by one of the rank and file. It does not pretend to be critical or constructive. It is a highly appreciative tale of the personnel and achievements of those upon whom New York and its great visiting and floating population depends for protection. Here are no theories of organization, or of reform, but a fairly vivid description of his fellow workers and their predecessors, by one who not only was proud of his uniform, but always sought to make himself worthy of it. There is considerable detail and illustrations and several chapters devoted to the travels of the author which may not particularly interest the student of police affairs but the reminiscences and comments, not only afford interesting, but illuminating reading.

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Report of the Advisory Committee to the Common Council of the City of Detroit on Carrying Out the Master Plan. 1925. P. 40.

In these days when all cities are making more or less heroic efforts to relieve traffic congestion and provide for traffic needs of the future, probably no city has embarked upon a more ambitious program than has Detroit. In April of 1925 the common council adopted a so-called Master Plan of major thoroughfares within the city in connection with superhighways and intermediate roads outside of the city. At the same time that the council adopted this plan it appointed an Advisory Committee to consider ways and means of carrying it out and to submit definite recommendations on the procedure for putting it into effect.

The report is brief and concise and its recommendations are excellently illustrated by a series of maps and diagrams.

The Master Plan involves the creation of a comprehensive system of thoroughfares of three standard widths (204 feet superhighways, 120 and 86 foot major thoroughfares) throughout the area embraced within a fifteen mile radius of the Detroit city hall. Coördinated action by state, county, city and village is required.

The first consideration of the Advisory Committee, therefore, was a survey of the extent of the powers of the several authorities concerned. The report enumerates concisely present powers and needed improvements for such important considerations as declaration of necessity, immediate entry and possession, excess condemnation, setback building lines and the fixing of street lines upon the city plan for control of newly platted land.

A general financial program is outlined which provides for the gradual accomplishment of the various projects of the plan without undue hardship at any stage of the work. This program besides recommending a method of dividing the costs and of providing funds for the city's share of the costs, also recommends the order in which the various projects of the plan should be undertaken—the accomplishments to proceed in proper sequence according to traffic needs and as rapidly as funds become available. The relative importance of specific projects is discussed and a summary of the recommended program concludes the report.

One month after the first edition of the committee report was published a number of the chief recommendations of the committee were presented to the electors for approval at a general election. These propositions included several charter amendments and authorization for carrying out a number of definite proposals of the committee. Every proposition was passed by an overwhelming vote. A list of the questions submitted on the ballot together with the vote on each appears as a preface to the second edition of the committee report.

The report is a valuable contribution to an exceedingly important phase of regional planning.

HARLAND BARTHOLOMEW.

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DEMOCRACY AND REPRESENTATION. By William Seal Carpenter. Princeton: Princeton University Press. 1925. P. 113.

This little volume deals with the foundations of democracy and with the modern exemplification of the democratic dogma in forms of representative government. The author begins by demonstrating that theories of popular sovereignty and of the right of revolution did not have their origin on this side of the Atlantic. The signers of the Declaration gave the world little that was new. But the framers of the constitution, eleven years later, had to reconcile the philosophy of natural rights with the exigencies of practical politics. They had a hard time doing it. Quotations from the speeches of Madison, Hamilton and Wilson are given to show how they envisaged different aspects of this problem. In the end Madison's ideal of dynamic equilibrium gained acceptance in the constitution, and has provided this document with its remarkable flexibility. Dr. Carpenter does not believe, as is commonly asserted, that the Constitution embodies a reaction from the liberal spirit of the Declaration, but that it enabled the latter gradually to permeate the whole American political system.

Passing from first principles, the book discusses the workings of democracy through the representative system. The principle of checks and balances is set in a somewhat new light, and there is an interesting consideration of the way in which the executive is gradually supplanting the legislature as the true reflection of popular sentiment. This division of representation, Dr. Carpenter believes, is fraught with danger, but for the present seems inevitable because political leadership cannot be provided in any other way under our system of government.

Finally, there is a good chapter on the forms of government. The author makes the novel suggestion that members of the senate should be chosen by six regions or sections of the country (i. e. New England, the Middle Atlantic states, the Old Northwest, etc.) and that representation be apportioned to these sections on a basis of population. He believes, moreover, that these regions would afford a basis for the decentralization of national administration, if they could be properly organized.

All in all, Professor Carpenter has given us a stimulating and well-written volume, one that combines political theory with the analysis of political practice. It is worthy to be read by every thoughtful student of American politics.

WILLIAM BENNETT MUNRO.

Harvard University.

Newspapers in Community Service. By Norman J. Radder. New York: McGraw Hill & Company. 1926. P. 269.

The editor who drops into his chair for a moment's relaxation after the last edition has been put to bed and picks up Norman J. Radder's book, *Newspapers in Community Service,* is likely to be reminded of the last words of Cecil Rhodes, "So much to do, so little done." Here indeed is a compilation of journalistic duties in the grand manner, with no less than 113 specific suggestions for "starting something." Mr. Radder, who is an associate professor of journalism at Indiana University and was once on the editorial staff of the New York Times and the Christian Science Monitor, grants the premise that the first functions of a newspaper are the publishing of news, opinion about the news and a certain merchandizing service through advertising, but he believes there is an additional obligation, and a heavy one, to community service and leadership. "This book," he says, "presents the American newspaper as a factor in the promotion of agriculture, business, better housing, health, schools, parks, play grounds and worthy community enterprises of every kind." In fact, in almost every phase of social, civic and industrial activity Mr. Radder believes the press ought to buckle on its armor, sound the clarion call and head the charge.

Mr. Radder approaches his subject as an enthusiast. He believes there is no other factor as powerful in forming public opinion as the newspaper. He believes there is no other institution with as great an obligation for community service as the newspaper and no individual so highly responsible for leadership as the editor. He sees the press as some super-force, educating the public, stimulating its civic pride, giving it parks and play grounds, keeping it well through crusades for health and sanitation, relieving its financial infirmities and finally singing it to sleep at night by radio.

Many editors will hesitate to go all the way with Mr. Radder. There is a feeling in editorial circles, possible a growing one, that there is a tendency for newspapers to go too far in this sort of thing. The picture of La Prensa blowing its whistle to announce to the waiting Southern Hemisphere that an important news event has occurred and dashing back to rock some Argentine mother's baby to sleep while she pursues her shopping expedition in peace, and corresponding extravagances indulged in by some members of the American press, seem to some editors, at least, rather outside the newspaper part. For instance, as long as radio is an agency for entertainment and not yet a part of the news distributing machinery of the newspaper, it is difficult to understand why there is any more obligation on the part of a newspaper to maintain a radio service station than to conduct a free theater or support a band of bag pipers on every busy corner. One wonders whether Mr. Radder does not tend at times to overemphasize the relations between the community service program and the newspapers and to attempt to make an association where one does not naturally exist.

Mr. Radder's book is much more valuable because he is an enthusiast. It is a book which ought to be in the hands of every newspaper editor in the country because it offers a real stimulus to constructive effort. Every newspaper theoretically is in accord with at least the fundamentals of Mr. Radder's doctrine. Too many newspapers fail, however, to put their theories into practice because of inertia or the feeling that there are so many other pressing things to be done. From a purely selfish standpoint whatever helps the community helps the newspaper, but one is glad that Mr. Radder does not approach his subject from that standpoint. To him there is an idealistic obligation to service which the newspaper cannot evade and remain true to its public trust. In these days, when the newspaper has become a great business enterprise involving millions of dollars in its operations, there is need for a restatement of the obligations of journalistic service. There are few editors indeed who will be able to read the chapters on the editor as a crusader and the obligation of service without experiencing a new thrill of power and responsibility.

"Newspapers in Community Service" is a novel contribution to a rapidly growing literature of journalism. It will repay careful consideration.

Erie C. Hopwood.
Editor, *Cleveland Plain-Dealer.*

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Women Police. By Chloe Owings, New York: Bureau of Social Hygiene. 1925. Pp. XXII, 337.

Women Police gives the history and the development of the employment of women as police officers. Two-thirds of the book is historical. Beginnings of the work in England and its development there, on the Continent, in parts of Asia, and in South America, are described. Even the countries that have no women police are included in this comprehensive survey.

In the historical section, the half devoted to the work in the United States is more detailed, good descriptions being given of policies and functions of the policewomen in the larger cities, particularly, Washington, Detroit, and New York. One chapter is devoted to the story of the International Association of Policewomen. The last eighty pages of the book deal with community problems, program of work for women police, form of organization and training. Various forms of policewomen's bureaus are described and compared. The chapter on training and training schools gives information as to where may be found helpful courses in preparation for this work.

Community agencies, their functions and relations to the delinquency problem are discussed. The point is made by the author that these agencies are covering a field which might be considered legitimate work of a woman's bureau in a police department, and if carried on by the latter, would have the added force of legal authority. In discussing programs of work, questions are raised as to the rights of women police and how far they should legally go in the preventive and protective work in curtailing the individual liberty of the young people concerned. The question of what women can do and should do is raised, and the writer concludes that "there is, as yet, no body of reliable, tested related factual experiments which can serve as a basis for a universal program of work for women police." "Women Police" is a book of considerable merit as a history of the employment of women as police officers and as a general description of their functions. But what is the women police movement to which it refers? How does it differ from the policemen's or the police movement? Is it anything more than the socialization of police work, similar to the socialization going on in other fields, in which greater consideration is being given more and more to the preventive aspects? Rather than being a policewoman's problem, is it not a problem of socializing police work as a whole? It is true that the employment of women has been an entering wedge, which, as time goes on, will broaden the field of applying the preventive and protective functions of the police department to include men and young men, as well as women and children.

As quoted above, the author states that "there is, as yet, no body of reliable, tested, related factual experiments which can serve as a basis for a universal program of work for women police." There is as much of a basis for a program of work for women police as there is for men police. It is just as sure for one as for the other. The difficulty has been in working out and putting into effect the philosophy of socialization which has been talked of for some years.

Why speak of a program of work for policewomen as against a program of work for policemen? Is it not a question of developing a modern program for the police, whether men or women? For example, in speaking of handling prostitution, the question is raised whether men cannot do it as well as women. The problem there is how can anyone handle it? It hasn't reached the secondary point yet of whether men or women can or should handle it, but it still is a question of whether anyone can handle it, and how it can be handled.

It was a disappointment not to find a more detailed description of how one well organized bureau of policewomen actually does its work from day to day, how it handles its cases, its relation to the court and to the probation officers and its relationship to the general case work and protective agencies in the community. This, however, may not have been the purpose of the book.

The employment of women police has in turn been covered by sentimentality and by abuse. The issue has become confused because emphasis has been placed upon the means rather than upon the ends to be accomplished, that is, more upon the personnel than upon the problems. It is felt that much misunderstanding would be eliminated if, in speaking or writing about women police, the subject were discussed from the point of view of the general police problem, from the standpoint of objective rather than that of personnel.

This book is timely and brings up to date in one volume the information on a much discussed subject. It should stimulate a greater interest in the employment of women as police officers.

Arch Mandel.

Dayton Research Association.

PUBLIC UTILITIES

EDITED BY JOHN BAUER

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Reproduction Cost or Actual Cost?—In the last number of the REVIEW we outlined the chief points of controversy in public utility rate-making. The first question is whether valuation of the properties shall be based on reproduction cost or original cost of the properties? What is the proper starting point in determining "fair value"?

Unfortunately no precise definition of "fair value" has ever been laid down either by the various statutes providing for rate regulation or by the courts in passing on the constitutionality of rates. The Magna Charta of "fair value" is the opinion of the supreme court of the United States in the famous case of *Smyth* v. *Ames*, which laid down the general limitation upon rates and stated that a company is entitled to earn a fair return on the "fair value" of its property used in public service.[1] In determining the "fair value" the court stated that consideration should be given to:

> . . . the original cost of construction, the amount expended in permanent improvements, the amount and market value of its bonds and stock, the present as compared with the original cost of construction, the probable earning capacity of the company under particular rates prescribed by statute, and the sum required to pay operating expenses . . . and are to be given such weight as may be just and right in each case. We do not say that there may not be other matters to be regarded in estimating the value of the property. What the company is entitled to ask is a fair return on the value of that which it employs for the public convenience. On the other hand, what the public is entitled to demand is that no more be exacted from it . . . than the services rendered . . . are reasonably worth.

This statement in one form or another has been repeated almost innumerable times by the courts and commissions, and stands to-day, with some tacitly accepted deletions and additions, as the rule or formula on valuation. It purports to set forth the elements or constituents of "fair value," and the sole yard-stick for its measurement.

IS IT A FORMULA?

Here, then, is the chief difficulty. We have a statement which has been taken as a basic definition or formula for the determination of "fair value," when, as a cold scientific fact, it does not define and is not a formula.

A definition used for such an important matter as fixing the respective rights of the investors and the public, should state concisely the scope, contents and limits of "fair value," without omission and without unclear or equivocal use of terms. A formula should prescribe exactly the elements or component parts to be included and should fix the relative weight or proportion to be allotted to each. Unless there is such preciseness and exactness, the practical application of the definition or formula inevitably creates divergence of interest between the public and the companies. The latter at every stage naturally stress the elements which work for a maximum valuation, while the public, equally naturally, pursues the opposite course.

INDEFINITENESS

We may briefly summarize the lack of definiteness in the formula so as to show more clearly the difficulty of its use in the extended application under widely different conditions.

(1) As already indicated the so-called formula does not specify the relative weight for each component part. How can any prescription be followed if merely the different constituent elements are named, without stating the proportions, and then adding that there may be still other items to go into the compound?

(2) It includes items which have no logical relation to value. It mentions the "sum required to pay operating expenses" and "the probable earning capacity—under particular rates prescribed." These are important categories in judging whether the rates are adequate to furnish a "fair return" on "fair value", but they do not enter into the determination of the "fair value" itself. Naturally they have been disregarded in the actual process of valuation but are used in their logical place in rate making.

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[1] 169 U. S. 466, 544.

(3) It includes items which are inapplicable and have been tacitly omitted in the course of actual regulation. Named with the other elements are "the amount and market value of its bonds and stock"; but par value of any securities has been recognized as having nothing to do with property as such, being merely the paper representative of property. If there were a valuation of the bonds and stock separately, in addition to the property, there would be duplication; the same thing would be included twice. A like duplication would appear in the market value. Moreover, the market value is dependent upon existing earning power under given rates; consequently it cannot be used as a basis of measuring fair rates. The result cannot be employed for determining the basis of the result itself.

(4) It does not contain all the elements that have come to be recognized as essential for valuation. It omits particularly depreciation, which in later cases has been deducted from the gross valuation of the properties. Nor, does it provide for the various overheads or "going value" over which a special controversy is raging.

(5) The rest of the items are not presented with sufficient precision. They either duplicate, overlap or are elliptical or inconsistent. What difference is there between "the original cost of construction" and "the amount expended in permanent improvements"? If there is a difference, then is that to be carried into the consideration of "the present as compared with the original cost of construction"? Just how are these terms to be used together so as to give each its exact place in the formula? Our present fight is between "reproduction cost" and "original cost" of the properties. But the term "reproduction cost" is not used in the formula, and it is not clear what is meant by "original cost of construction." Are we to assume that the "present as compared with the original cost," sets forth the difference between what we now impute to "reproduction cost" and "original cost"?

The conclusion must be that the court did not intend to lay down an exact definition and formula for appraisal in rate-making. It had struggled for several decades with rates fixed by the legislatures of the several states and finally reached a general conclusion as to the limits to which such rates could go without encroaching upon private investment. On the other hand it sought to avoid undue interference with the legislative right to fix rates. Consequently it merely indicated, in general, the considerations that should be kept in mind in fixing reasonable rates, without setting forth exact rules and orders for rate-making. Any other view of the statement involves the fundamental law in too much inconsistency, vagueness and confusion.

EFFECT OF RISING PRICES

During the first decade and a half after the pronouncement of *Smyth* v. *Ames*, 1898 to 1914, there was no clear difference between a valuation based primarily on reproduction cost and actual cost of the properties. The conflict between the two became important only with the sharply rising prices during and after the war, and as a result of the continued higher price level. At the present time there is in most cases a substantial difference between properties appraised at reproduction cost or original cost, so that it is important to have a clear determination as to which basis shall be used or at least in what proportion the elements shall be combined.

The whole problem of rate-making is in such a chaotic state, due principally to the problem of valuation, that it should be taken up as a legislative matter. If definite policies and methods are to be established, we must look to the legislatures, not the courts, for relief from the confusion.

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The Supreme Court and Depreciation.—Seldom has the supreme court of the United States rendered a public utility decision which is open to such serious criticism on the grounds of interference with reasonable rate procedure, as in the recent New Jersey telephone case decided April 12, 1926, pertaining to the charges for depreciation in relation to a fair return on the properties.

The New York Telephone Company in March, 1924, filed a schedule for higher rates with the board of public utility commissioners of New Jersey. An investigation followed, and the increase was denied because with an adjustment of depreciation rates an adequate return was obtained. The commission found that the current annual depreciation was $2,678,000, while the company's charge was $3,452,000 and that on the basis of such charges an excessive reserve has been accumulated, amounting to $16,990,000. It held, therefore, that part of the annual depreciation, for a time at least, should be made up by drawing upon the excessive reserve. But the court held that this was unwarranted; that the company has a right to base its rates upon full current cost, without depending upon past earnings for a proper present return.

In earlier cases the court had held that past profits cannot be balanced against present losses, nor past losses made good through higher rates for the future. The present decision was thus deemed to be in harmony with these earlier decisions. But, whatever may be said as to the legal view that past losses or profits cannot be carried into the accounts for future rates, there is a distinction in this case, so far as the financial and economic facts are concerned. The earlier decisions had to do with "profits" and "losses" as such. The depreciation reserve, however, does not reflect either profit or losses, it represents past provisions through revenues for the ultimate retirement of property, and is not from a financial standpoint, available for any other purpose. It cannot be used for the payment of any return to the investors,—unless the present decision should change the entire legal character of the funds represented by the reserve.

The allowance for depreciation is inevitably based upon estimates which are subject to error. This is particularly true of telephone properties which are greatly affected by obsolescence. For this very reason the New York Telephone Company has deliberately set up high depreciation rates to assure an adequate provision for all probable changes in the industry. And for this reason the New Jersey commission, as well as the New York commission, and other commissions all over the country, had permitted the continuance of high depreciation rates, realizing that these might be too high but believing that in the interest of financial stability an excess would be preferable to a deficiency, provided that subsequent proper adjustments were made if an excess actually proved to exist. In line with this view, the New Jersey commission believed that the times for such an adjustment had arrived, but now the court has intervened with a decision making the adjustment impossible.

From a financial standpoint, this looks like the worst decision that the court has ever made in the field of rate regulation. It will require the commissions to set up independent depreciation estimates for each year. This will not only require an enormous amount of otherwise unnecessary work, but will be arbitrary, and will result in repeated injustice sometimes to the companies and sometimes to the public. As above stated, depreciation charges cannot be anything but estimates, especially for telephone properties. Consequently if obsolescence works faster than a commission expects, the company loses; if it works slow, the public loses. Why impose this gamble upon regulation? Why not permit reasonable flexibility, so that charges which prove excessive may be counter-balanced by subsequent lower charges, or the reverse?

If the depreciation reserve built up on the basis of estimates is actually reserved for its own financial purposes, how can the return to the investors be prejudiced by a systematic adjustment from time to time? If the company gets a fair return within the scope of such adjustments, where is there any confiscation? It would appear that the court has interfered with rate-making without due consideration to the financial facts involved; that it has set up its own economic idea in place of the commission's judgment based upon long experience and intimate contact with the requirements of the situation.

The commissions now appear to be straight-jacketed; with no room to squirm about or breathe. They must perforce fix the rate for each year upon the costs of that year; no overlapping, counter-balancing, or equalization. This is judicially required, notwithstanding the fact that none of the costs entering into reasonable rates are fully known until the close of the year, and that many, like depreciation, are based upon estimates and often upon only intelligent guesses. This is quite a responsibility. Moreover, it must be exercised under the formula of a "fair return" on the "fair value", where the "fair" quantity is constantly shifting and cannot be determined within a year, and really does not exist any more when it has been determined.

So, in the mood of the famous play, we ask "what price rate-making" and "what sense rate-making"? The whole situation is chaotic, as has been repeatedly brought out in the Review. The whole subject of regulation should receive a thorough airing; difficulties sifted and sensible policies and methods established. This, first of all, requires investigation and publicity, and finally legislative action. Until a sensible program is legally established, which will provide definiteness and clarity, regulation will be overwhelmed by excessive costs, conflict between the public and the investors, deadlock and arbitrary action.

Busses and Trolleys.—Two interesting news items of the month throw light on the tremendous competition between busses and trolleys; the over-reaching by the new and the resurging vitality of the old. From Indianapolis we hear that the Union Bus Station, dedicated only a year ago to a radiating state-wide bus system, has been abandoned and that the bus lines have come under the control of the interurban traction companies. At the same time we hear that the Grand Rapids Railway Company is re-equipping its lines with a new type of cars, much lighter in weight, running on roller bearings, and embodying numerous improvements for the greater convenience and comfort of the riders. This is a daring street railway enterprise, and one hopes that it is better founded than the zealous erection of the Union Bus Station in the sister city.

No one can tell what the competition between the two modes of transportation will bring forth, and almost any interference in the competition is probably somewhat arbitrary and hardly justified. There is no doubt that there will be many losses in bus investments because of exuberance of expectation; to wit, the Union Bus Station and a premature state-wide bus system. But in another form this is mere repetition of what happened a generation ago among street railways. It is remarkable, however, on the part of the street railways what great improvements are made when the industry is faced with over-reaching competition. The companies are now learning, in the face of ruthless competition, that traffic and greater traffic is necessary; that more traffic with progressive service is a more potent competitive force, than diminishing traffic with higher rates.

A great deal is said about the waste of competition between busses and trolleys and that the two should be co-ordinated under the same management. In general this view is sensible. But who knows really whether both trolleys and busses will survive, or what place each is economically entitled to when competition has been carried to its ultimate results? Might not premature combination bring stagnation, choking the re-vitalization of development on the part of the trolleys and making further effort on the part of busses unnecessary? And might not the new properties be brought under the financial structure of the old with the extensive over-capitalization and excessive fixed charges, and thus become entangled with the street railways' financial difficulties?

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE

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FEDERAL TAXATION OF THE COMPENSATION OF MUNICIPAL OFFICERS AND EMPLOYEES

Two important decisions, bearing upon the question raised in the title of this note, have recently been handed down: Lyons v. Reinecke, by the circuit court of appeals of the seventh circuit,[1] and Metcalf v. Mitchell by the supreme court of the United States.[2] While the latter case brought up the validity of a tax under the Revenue Act of 1916, which expressly exempted the salaries and compensation of all state officers, and the former case concerned taxes paid under the later acts, which, beginning with that of 1918, omitted the clause of express exemption, both involved the primary question of the extent of the federal taxing power, over the instrumentalities of the states, especially as it affects the taxation of the income and compensation of municipal officers and employees.

INCOME FROM LOCAL IMPROVEMENT BOARD TAXABLE

In Lyons v. Reinecke, the plaintiff was engaged under authority from the city council by the board of local improvements of the city of Chicago for a period of five years as an "appraiser of real estate in connection with the carrying out of a plan of local improvement for widening, extending and relocating streets". This improvement called for an estimated outlay of more than $65,000,000, to be expended for property to be taken by eminent domain, and to be raised mainly by special assessment of the property benefited. The condemnation proceedings affected no less than 7,000 different owners of property, and the apportionment of the assessments required the valuation of 100,000 separate pieces of property specially benefited. This municipal project, therefore, was one for the distinctly public and governmental purpose of improving the streets and highways and involved in its administration the exercise of the sovereign powers of taxation and of eminent domain. The pleadings established that all these powers were being exercised by the proper municipal officers under legislative authorization.

The plaintiff sued to recover money paid by him under protest as an income tax in the year 1920. While the declaration was indefinite as to the services he actually rendered and as to the exact basis of his remuneration, the court assumed that the income claimed to be illegally assessed was derived from his employment as an expert appraiser in connection with this important work under the board of local improvements. The declaration first stated that he was employed at fifty dollars a day and a later clause set forth that his rate of compensation was one per cent of the value of the property appraised,[3] but the court failed to draw any inference from the latter statement that his true status might have been that of an independent contractor. While the making of such a contract, so far as appears from the pleadings recited in the reported case, would have been plainly *ultra vires*, the court might well have been warranted in drawing this inference from the pleadings, notwithstanding the plaintiff's assertion that he acted as an employee of the board. Upon this basis the decision that his income was not exempt would not be open to question.[4]

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[1] Jan. 15, 1926, 10 Fed. (2d) 3.

[2] Jan. 11, 1926, 46 Sup. Ct. R. 172; 70 Law Ed. 185.

[3] The court states that from January 1, 1920, to March 2, 1921, he was actually paid the sum of $322,369.93. His contract evidently was at the rate of one per cent of the valuation of the property appraised and a per diem of $50 when engaged as a witness.

[4] Article 88 of Treasury Regulations 62 states that an employee is one whose duties consist in the rendition of prescribed services and not the accomplishment of specific objects and whose services are continuous, not occasional or temporary. The supreme court in Chicago, Rock Island and Pacific Railway Company v Bond (1916) 240 U. S. 449, in holding that Bond, who engaged to shovel coal at a stipulated price per ton,

The court, however, in holding his compensation as an employee to be taxable, based its decision upon the ground that the city in carrying out this improvement was acting in a "private or proprietory", and not in a "public or governmental" capacity; and in order to defend its unique conclusion applies the test of a city's liability in tort to determine the nature of the function it was exercising. While it is true that tort liability may often turn upon the nature of the function being exercised by the municipality, it is difficult to see why the reverse of this principle, already falling into disrepute in many courts, should be considered determinative of the question at bar. The fact that in the New England states no municipality is liable in tort for the negligence in the maintenance of its streets and highways except by statute, and that in other jurisdictions where strict common law liability is imposed the "public or governmental" nature of streets and highways is fully recognized. It seems clear, therefore, upon the court's own argument, that if the plaintiff was an employee of the board of local improvements, and engaged to perform important and necessary parts of the work in hand, assuming that the test of liability of a municipal employee to pay the federal income tax on his remuneration is the "proprietory" or "governmental" nature of the municipal enterprise in which he is engaged, the plaintiff's income should have been held to be exempt. That this conclusion, although logical, might still be erroneous, we shall point out later.[5]

WAGES OF STREET CAR EMPLOYEE EXEMPT

In sharp contrast with the decision in the above case, was that in Frey v. Woodworth, handed down December 23, 1924,[6] in which it was held that the wages of a street car operator employed during the year 1923 by the city of Detroit were exempt from the federal income tax. The court in that case, after showing that the authorities are unanimous in holding that the construction and control of streets and highways are distinctly public and governmental functions as fully as the preservation of health, the protection of property and the prevention of crime, because they are the primary "means of communication for the whole community, rather than for the state or for the subdivision of the state which creates and maintains them," went to the extent of holding that the city in providing a modern and improved method of communication upon its highways was exercising a governmental function. The argument advanced was that while without question the city would be liable in tort if one were injured through the negligence of its operating employees, the railroad system is held in trust for the people of the city, in the same way and for a similar purpose as a municipal ferry, which has been held to be exempt from the federal transportation tax.[7] "Upon its proper functioning" says the court, "depends inevitably the efficiency of government, . . . without it this city cannot exist." Admitting the conclusions of fact by the court, it follows that the agency is governmental and that the remuneration of the officers and employees should be exempt from federal taxation upon the principle that those instrumentalities of the state which are of a strictly governmental character are exempt from federal taxation.

OPINION OF SUPREME COURT

It is refreshing to turn from the labored arguments of these two opinions to the sound and lucid consideration of a similar question by one of the justices of the supreme court of the United States. Metcalf v. Mitchell, decided on appeal by the supreme court on January 11 of the present year, was a suit by members of the firm of Metcalf and Eddy to recover taxes paid upon the fees received by them from municipalities which they had served as consulting engineers in the construction of waterworks and sewerage systems. In the district court[8] the income received by Mr. Metcalf as chief engineer of the Kennebec Water District and that of Mr. Eddy as a member of the board of engineers of the North Shore Sanitary District in Illinois, were found to be exempt, but some eighteen other items of income received by members of the firm for their services to municipalities were held to be in-

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was not an employee, said: "The railroad company . . . did not retain the right to direct the manner in which the business should be done, as well as the results to be accomplished, or in other words, did not retain control not only of what should be done but how it should be done." See, also, Singer Mfg. Co. v. Rahn, 132 U. S. 518; Standard Oil Co. v. Anderson, 212 U. S. 215.

[5] No appeal was prosecuted by the taxpayer in this case.

[6] District Court E. D. Mich. S. D., 2 Fed. (2d) 725.

[7] U. S. v. King County, 281 Fed. 686, Circuit Court of Appeals, Ninth Circuit, July 3, 1922.

[8] District Court of Mass., May 21, 1924; 299 Fed. 812.

cluded in taxable income, upon the ground that municipalities in furnishing water and supplying a sewer service were acting in "proprietory" and not a "governmental" capacity. The futility of attempting to apply a test of liability in tort to determine the character of a municipal function for the purpose of taxation may be noted in the finding of the court that a water supply for the Kennebec district involved the exercise of a strictly governmental power in conducing to the health of the inhabitants of the district, while a similar service by a city or village was "proprietory" as being primarily commercial in nature.

This case came before the supreme court on writs of error prosecuted by the government and by the taxpayer. As to the exemptions adjudged by the district court, the writ of error was dismissed, upon the ground that it plainly appeared that the moneys paid to Mr. Metcalf from the Kennebec Water District and those to Mr. Eddy from the North Shore Sanitary District were in each case compensation to the incumbent of an office created by statute. As to the remaining items, the judgment of the lower court was also affirmed, but upon the ground that neither of the plaintiffs in error occupied any official position in any of the undertakings to which these items related; that their duties in each case were prescribed by their contracts with the respective municipalities from which they received their pay; and that therefore they did not come under the provision of the Act of 1917, which expressly exempted from the federal income tax all compensation and fees received by the officers and employees of any state or territory or of any local subdivision thereof.

In his illuminating opinion, however, Mr. Justice Stone proceeds further to discuss the difficult question of the extent of the power of congress to tax the instrumentalities of the state governments. The supreme court has repeatedly intimated that the sixteenth Amendment did not extend the federal taxing power to any new class of subjects,[9] nor did it modify the long established principle that those agencies through which either the federal or state government immediately and directly exercises its sovereign power are immune from the taxing power of the other. "Neither government," says the court, "may destroy the other nor curtail in any substantial manner the exercise of its powers." The operation of the rule must receive a practical construction which will permit both governments to function with the minimum of interference each with the other, and this limitation cannot be so varied or extended as seriously to impair either the taxing power of the government imposing the tax, or the appropriate exercise of the function of the government affected by it.[10]

Upon this principle, the application of which is elaborated in the opinion of the learned justice, it is evident that the doctrine of immunity would not include the income derived by independent contractors on the one hand, while, on the other hand, the salaries of state and municipal officers would be held exempt from the operation of the federal tax. Nor should the fact that the officer's duties primarily relate to the operation of the waterworks department, for example, exclude him from the benefit of the rule. The supply of water to the inhabitants of a municipality by statutory permission or direction may well be regarded to-day as largely governmental, as an exercise of the police power for the preservation of the health of the inhabitants of the city in the first instance and incidentally for the welfare of the state at large. In conformity with this view, the courts now generally hold that the property so used is held in trust for the people of the locality,[11] that in the absence of direct legislative authorization it cannot be disposed of by the city,[12] nor taxed by another municipality,[13] and that it is exempt from execution.[14] In all these respects the waterworks system of a municipality is governmental rather than proprietory in character.

Although in the case of Flint v. Stone Tracy Company[15] the supreme court has said that "it is no part of the essential governmental functions of a state to provide means of transportation, supply artificial light, water and the like," it must be observed that the question there involved was the status of private corporations performing such services for private emolument and advantage, which although serving the public and exercising extraordinary delegated authority, such as the power of eminent domain, are not therefor removed from the field of federal taxation.

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[9] Brushaber v. Union P. R. R. Co. (1915) 240 U. S. 1.
Peck and Co. v. Lowe, (1918) 247 U. S. 165.
Eisner v. Macomber, (1920) 252 U. S. 189.
Evans v. Gore, (1920) 253 U. S. 245.

[10] Gillespie v. Oklahoma, (1922) 257 U. S. 501.

[11] Roberts v. Louisville, 92, Ky. 95.

[12] Huron Waterworks Company v. Huron, 7 S. D. 9.

[13] Rochester v. Rush, 80 N. Y. 302.

[14] Meriwether v. Garrett, 102 U. S. 473; New Orleans v. Morris, 105 U. S. 600.

[15] 220 U. S. 107.

EMPLOYEES AS DISTINGUISHED FROM OFFICERS

As to the question of the exemption of the income of municipal employees, in distinction from that of municipal officers, whether engaged in the care of a city's fire apparatus or in the operation of its street railroad, it is difficult to see, other than in exceptional cases, how the taxation of their incomes in any individual case directly affects the continuity of the municipal service. The very instability of their tenure, the absence of statutory duties and the constant control of their activities by their superiors, all indicia of the status of employees rather than that of officers, negatives the inference that these particular services are essential to the carrying out of the governmental functions of the municipality.

It may be regretted that the question of the power of the federal government to tax the incomes of mere employees of municipalities will always remain a moot question unless section 1211 of the Revenue Act of 1926 is repealed by some subsequent act of congress. This section provides that: "Any taxes imposed by the Revenue Act of 1924, or prior revenue acts upon any individual in respect of amounts received by him as compensation for personal services as an officer or employee of any state or political subdivision thereof (except to the extent that such compensation is paid by the United States government directly or indirectly) shall, subject to the statutory period of limitations properly applicable thereto, be abated, credited, or refunded." Due to this section of the act, and the adjudication of the similar clause in the Act of 1916, by the supreme court in Metcalf v. Mitchell, the pending appeal in the case of Frey v. Woodworth was dismissed March 8,1926, upon motion of the government. As no basis now remains in the present law for litigating the exemption of the remuneration of municipal officers and employees from the federal income tax, the only question that is probable to arise in any given case will be the determination as to whether the taxpayer's position may not be that of an independent contractor. If such is his status, it has been settled in Metcalf v. Mitchell, beyond any further controversy, that the payments he has received for the services rendered to the municipality are subject to taxation as income under the federal statutes.

BRIEF NOTES ON RECENT DECISIONS

Municipal Waterworks—Taxpayer's Action to Enjoin Sale Outside the City Limits.—In Western New York Water Company v. City of Buffalo (151 N. E. 207) the New York court of appeals held that a taxpayer as such has no standing to enjoin the sale of water outside the city in the absence of evidence showing that the sale impairs the capacity of the city to finish an adequate supply for municipal purposes or to its inhabitants, or otherwise, is calculated to be productive of injury to the city and its taxpayers. In the instant case, the city contracted to furnish water to the Iroquois Gas Corporation, a public utility, which received the water within the city limits and conducted it to its plant outside. The court holds that the illegality of the official act is not the test of the taxpayer's right to injunctive relief, but that in the absence of waste or injury, the threatened act must be such as to imperil the public interest. If the official act be authorized, injunctive relief may be granted where such sale may impair the municipal supply or subject the city to liability to damage in case the contract is not carried out. (Simon v. Parker, 190 N. Y. 19; 82 N. E. 732.)

✣

Municipal Waterworks—Mechanic's Lien Against—The public character of municipal waterworks is emphasized in the case of Fairbanks, Morse & Co. v. Cape Charles (131 S. E. 437) decided by the supreme court of appeals of Virginia, January 14, 1926. The plaintiff set up a claim to a lien under section 6435 of the Virginia Code which provides generally that every assignment of a general contractor's interest shall be subject to the priority of liens. The court refused to accede to the claim that the statute in any way modified the common law rule that municipal property is not subject to mechanics' liens. "It is clear," says the court, "that the applicants have no lien on the waterworks of the town of Cape Charles, as it is the public property of a municipal corporation (Phillips v. University, 97 Va. 472, 34 S. E. 66). The rule here applied that, in the absence of a statute imposing such liability, the property of a municipality devoted to a public purpose is not subject to a mechanic's lien is almost universally accepted.

*

Optional Charters—Effect of Adoption.—The supreme judicial court of Massachusetts in the case of Safford v. City of Lowell (151 N. E. 111; Mar. 2, 1926) passed upon the effect of the adoption of the City Plan B charter. Under the laws applicable to the city prior to January, 1922, the purchasing agent might in a case of extreme emergency contract for supplies without calling for competitive bids, and the determination of the emergency was left with the mayor. Under the new charter, competitive bids are required for all contracts involving more than $200, "except in cases of special emergency, involving the health or safety of the people or their property." The contract in question called for the purchase of some 200 tons of cold patch material for road repairs, let without competitive bidding. Upon an action of taxpayers to enjoin payment for material furnished, the court held that the earlier charter provisions on this point were repealed by the adoption of the optional charter, that the evidence did not show in fact a special emergency and therefore the plaintiffs were entitled to a decree restraining the officers of the city from paying for the material received.

*

Commission Government—Method of Exercising Powers.—In the City of Williston v. Ludowese (Supreme Court, N. D., Feb. 5, 1926; 208 N. W. 82), the court had before it the question of the powers to be exercised by boards of commissioners in cities which have adopted the commission form of government. Holding that such boards are clothed with all the powers conferred by the legislature on cities so organized, the court draws attention to the legal requirement that all their legislative powers must be exercised as a board and that, except as they are executed through board action, their acts are illegal and void. No single commissioner nor group of commissioners, acting as individuals or as a group, but not regularly assembled as a board of city commissioners, has authority to bind the municipality by his actions, representations, or declarations, unless authority to perform a ministerial act is duly conferred upon him. The city is entitled to the benefit which can flow from the knowledge, experience, wisdom and judgment of all the members in consultation. This elemental rule, frequently unobserved in spirit if not in practice, may well be invoked to correct the evils sometimes arising through the mutual agreement of members of such boards to apportion the important powers of local government among themselves and to practically abdicate the major part of the duties imposed upon them by law.

*

Home Rule—Local Taxation in California.—In the case of Storke v. Santa Barbara (244 Pac. 158, Feb. 25, 1926), the supreme court refused to hear an appeal from the judgment of the district court of appeals, which held that the scheme of local taxation adopted by the city under its charter making power was the exercise of a purely municipal purpose, and that therefore a resolution providing for the employment of an expert appraiser of property for purposes of taxation was valid. The rule prevailing in California under the constitutional amendment of 1896 is that the charter provision prevails unless the legislature has by statute covered the entire field. The amendments of 1914 confer upon the city primary legislative powers as to all purely municipal affairs. In the instant case the city acted without the formality of an ordinance, but the exercise of power was sustained upon the ground, first, that it concerned a purely municipal purpose and, second, that the legislature under the general statute regulating local taxation had not covered the entire field. This decision is to the effect that the power of the legislature in any event to control municipal affairs by general law does not extend further than as a limitation upon the local powers; and that the city retains full capacity to act, so far as the general statute fails to cover the entire field. By these later decisions, California is carrying the home rule powers of its cities in some respects further than any other state.

GOVERNMENTAL RESEARCH CONFERENCE NOTES

EDITED BY ARCH MANDEL

San Francisco Bureau of Governmental Research.—Through the efforts of the California Development Association an organization has been effected in California of a state Executive Research Council for standardizing and co-ordinating economic data pertaining to the welfare of the state. Director W. H. Nanry represented the San Francisco Bureau at a meeting in Los Angeles in February, when 127 representatives of research agencies gathered to discuss the formation of such a council. Resolutions were adopted unanimously that the council be organized as a voluntary association, neither contractural nor corporate in nature, which shall have no financial obligation. Its objects are to co-operate with existing agencies, to seek elimination of duplicate work, and to find some method of filling the important gaps in the sources of economic statistics. At a meeting at the University of California in April the organization was perfected and officers elected. The first task will be to issue a catalog setting forth the facilities and activities of the associated agencies, and it will be published as soon as possible. While the objects of the council do not directly embrace the work of the San Francisco Bureau of Governmental Research, the plan is one which the Bureau regards very highly and may prove to be a valuable source of information and data required by governmental research bureaus.

The Bureau has also been asked to affiliate with a branch of the American Statistical Association, which is being organized in the bay region for the dissemination of information regarding business budget procedure.

The Bureau has gone on record opposing methods adopted by the salary standardization board, which has just completed the classification of all municipal employees. The Bureau takes the stand that classification should be on accepted principles of duties only, while the plan submitted to the city's legislative body for adoption is based partly on duties and partly on salaries and fails to carry out the purposes of the salary standardization amendment of the city charter which the Bureau fostered.

The city's budget for the fiscal year beginning July 1, now in preparation, is being analyzed closely with the object of making proposals of savings to the board of supervisors and of advocating certain needed improvements in budget procedure.

⁂

Toledo Commission of Publicity and Efficiency.—The Commission of Publicity and Efficiency of Toledo is now engaged in making a survey of the local health department. Administration of health activities in Toledo is considerably decentralized in that at least three agencies other than the municipal government are engaged in essential public health work.

The Commission is still receiving numerous requests for copies of the police department survey which was published in January.

⁂

Kansas City Public Service Institute.—Kansas City's new manager charter took effect on April 10. H. F. McElroy was elected city manager. The majority of the council is Democratic, the manager is a Democrat, and it seems as if the government will be operated on a partisan basis. How successful it will be, remains to be seen.

The Public Service Institute co-operated in the drafting of the administrative code which provided for the transition from the old form of government to the new and the outline of organization and procedure for the new government. The code is not intended as a complete or final document. It includes an outline of a new accounting system, which it is hoped will provide a method of control such as Kansas City has not previously had.

⁂

The Ohio Institute.—J. P. Watson of the Robert Brookings Graduate School of Economics and

Government will join the staff of The Ohio Institute in July to specialize in public finance and taxation.

⁂

Municipal Research Bureau of Cleveland.—The Municipal Research Bureau of Cleveland has recently issued its annual report upon pavement construction in that city. It contains an interesting treatment of the variable factors entering into the manufacture of concrete for pavements and makes constructive suggestions for the elimination or minimizing of such variable factors. Core testing of finished pavements as conducted in Cleveland during last year is discussed. Recommendations for a higher grade concrete are made and for a better standard of inspectional service.

⁂

Philadelphia Bureau of Municipal Research.—At a meeting held April 20, 1926, E. Lewis Burnham was elected president of the board of trustees of the Philadelphia Bureau.

Edward T. Paxton, for eight years a member of the staff of the Philadelphia Bureau, resigned, effective April 15, to assume the directorship of the Committee of Seventy of Philadelphia.

⁂

Toronto Bureau of Municipal Research.—The Bureau published a bulletin entitled, "Planning Versus Confusion."

1. Confusion in Restrictions.
2. Confusion in Planning Improvements.
3. Confusion in Salary and Wages Control.
4. Confusion in Policy Forming.

This bulletin received considerable publicity and very favorable comment from the daily press.

The Bureau published its twelfth annual report and held its twelfth annual meeting.

Citizen's Research Institute of Canada.—The third of the annual series, "Cost of Government in Canada, Dominion," has been issued. The fourth of the series, "Summary," is in the course of preparation and will be issued shortly.

The Institute published its Sixth Annual Report. The publications of the Institute go to all parts of Canada, as well as to a number of interested organizations in the United States.

The Institute is, at present, engaged on a reassessment survey for the municipality of Timmins, Ontario.

⁂

Bureau of Municipal Research of Des Moines.—Excessive expenditures for motor vehicle operation in the municipality were found by the Des Moines Bureau of Municipal Research in a recent study on the operation and maintenance of city motor vehicles. The Bureau discovered that excessive amounts were being paid to a number of city employees for the use of their private automobiles in city service. These rates vary from $60 a month to $1.50 per day. The city commissioners have co-operated in working out a plan for a reduction in these allowances. The study also showed that incomplete records of the cost of operating motor vehicles were being kept in a number of departments. This the city commissioners will rectify.

The Des Moines Bureau of Municipal Research is co-operating with city officials in seeking remedial legislation in the next state legislature to offset the loss occasioned by lapsing levies, which has entailed a cut of $200,000 in the 1926 budget under that of 1925. This budget reduction forced the laying off of a number of policemen and firemen and curtailment of a number of street department activities.

MUNICIPAL ACTIVITIES ABROAD

EDITED BY W. E. MOSHER

Municipal Insurance.—The tendency towards co-operation insurance rather than to make use of a regular insurance company is rapidly spreading among English cities. This movement was started in individual towns which at first covered only a part of their risks by paying into special funds the amounts of the fixed premiums which would otherwise have gone to insurance companies. As an illustration, the London County Council over a period of time paid into its own treasury something over 8,000 pounds, determined by customary rates, out of which sum the losses covered amount to 3,000 pounds. The surpluses are regularly invested as would be the case with a standard insurance company.

Some years ago a group of municipal accountants sent out a questionnaire to 57 different authorities and found that during the preceding five years they had paid 28,000 pounds in premiums and that their losses amounted to only 3,000 pounds. As a result of this investigation, a municipal insurance company was launched in 1904 which in the course of the past 21 years has gained a clientele of 700 public authorities which are protected against all types of risks except in the field of life insurance. During this period the company set aside reserves in excess of 250,000 pounds while at the same time over 60,000 pounds have been returned to insurers in the shape of reduced premiums. The surplus funds are regularly invested with local authorities.

The advantages of this type of public enterprise are obvious and seem particularly appropriate in view of the fact that municipal and county risks are likely to belong to a preferred class.—*Local Government News* (London).

✤

Municipal Enterprise.—A report recently issued by the Stationary Office of the British Government reviews the status of the concerns supplying electricity to municipalities from 1920 to 1923. Comparative figures for public and private undertakings are given for this period.

It is brought out that the total capital expenditure of all agencies for the last year mentioned was 158 million pounds. The percentage of total electricity supplied to municipal bodies by public enterprise amounted on a unit basis, to 62 per cent in 1922 and 1923. The average cost per unit charged by local authorities was 55 pence, and by private companies, 52 pence, while the quality of the service was equally high.

According to this report the main differences have to do with gross surpluses, the gross surplus for local authorities being nearly 9 million pounds for private companies 5½ million pounds. In case of both groups of companies, the gross surplus was about 10 per cent of the capital expenditure. The disposition of this amount in the case of publicly owned undertakings was as follows: 30 per cent went into interest on capital raised, 35 per cent on compulsory loan repayments looking toward the purchase of the undertakings on the behalf of the community, and 15 per cent to reserve. In the field of private production, 55 per cent of the surplus went into interest and dividends and 38 per cent to reserve.

It will be seen from the above that the surplus in the hands of a municipal undertaking goes to reduce capital indebtedness, to assist rates, and to build up reserve funds; whereas with the privately owned companies, these profits are distributed among the private shareholders or put in reserve, which is, of course, accruing in their interest.—*Local Government News* (London).

✤

Non-Voting—A Statistical Study.—The Statistical Bureau of Muelheim on the Ruhr has recently made a careful analysis of the votes cast at the last election for Reichstag members and the president of the Empire. The number of eligible voters, of actual voters, of non-voters, as well as their distribution according to various districts, parties, and groups of parties, are brought together both on an absolute and relative basis.

Especial attention is paid to the non-voters, who are classified on a basis of age, sex, marital condition, calling and industry. Over 21,000 forms were filled out in collecting this information.

Among other things it is pointed out that unwillingness to vote is stronger on the part of female voters than male. The percentage of non-voters is about twice as high among unmarried males as among married males, while the percentage among the females is 30 per cent higher with married than unmarried. Another interesting phenomenon is that non-voting, which increased as compared with the former election, does not strike all parties alike. The conservatives suffer more seriously than the radicals so that the position of the latter is relatively much improved because of civic indifference.

The distribution of voters among the parties shows a marked difference as between males and females, and between married and unmarried.

Interesting observations are made with regard to voting by age groups. In general it is pointed out that the percentage of voters increases continuously from the youngest age group up to 40–50 years among women and from 50–55 among men. From these points on there is a steady decline in percentage of voters. The interest in the oldest group, however, is proportionately greater than in the youngest in the case of men, but not in the case of women.

So far as the distribution among parties is concerned, male voters are distributed in the following ratios—from left through the center to the right—from 100 to 84 to 91, while with the women the ratio is from 100 to 107 to 113. In other words, the women are inclined to be much more conservative than the men. Finally, the unmarried voters contrast with the married in that a higher percentage of the former vote among the radical parties than among the conservatives.—*Zeitschrift fur Kommunalwirtschaft* (Berlin).

⁂

Regional Planning.—After investigations extending over three years, one of the most ambitious projects for regional planning has just come to the attention of the public in the form of an elaborate volume published by the city of Manchester. The report covers an area of over 100 square miles in which are located 96 governmental authorities. The population involved numbers nearly 3,000,000. It is claimed that the area is the most highly industrialized for its size in the world. For this reason alone its character is peculiarly challenging.

The report deals exhaustively with traffic problems, zoning, recreation, water, gas electricity and sewage disposal. The problem is greatly complicated by the existence of all sorts of special local authorities, some supplying one utility and some another, some disposing of drainage and sewage, while others have charge of the street car and motor bus lines.

From the point of view of general community well-being, it is essential that such over-lapping and duplication should be cleared up and recommendations as to procedure for joint action are included in the report. This means, of course, voluntary acceptance of limitations by existing local authorities.

The report is the result of the labor of 300 representatives whose studies have been financed by annual contributions from all local authorities involved in proportion to the assessed valuation of the areas represented in each.—*The Municipal Journal* (London).

⁂

School for Public Officials.—The association of public employees at Warsaw is organizing a school of public and local administration to give to those engaged in public duties an opportunity of gaining a broader theoretical acquaintance with their work. The courses outlined deal with the science of administration in general, with social and political economy, with public and penal law and a wide range of subjects from the field of local government. The course is to last one year of two semesters, or 180 hours. The school is open not alone to what may be called practitioners, but also to those who may be interested to enter later upon the career of a public official. Special investigations looking toward dissertations are prescribed. Regular certificates and examinations are given at the end of the course.—*Les Sciences Administratives* (Paris)

NOTES AND EVENTS

Serious Charges Against Cleveland Civil Service Commission.—The Citizens League of Cleveland, for the past four months, has been making a detailed investigation of the administration of the merit system in Cleveland. The results of the study were presented to the executive board in March and the board decided to prefer charges against the local commission, and to ask the state civil service commission, under the power granted it by state law, to investigate the charges and submit a report. The state commission has held numerous similar investigations in cities of Ohio during the past ten years.

The eight charges were in brief as follows:

1. The civil service commission has violated the law and the principle of effective discipline and sound administration by restoring dismissed employees of the police and fire forces to their positions after dismissal by the director.

2. The commission has violated both the letter and spirit of the civil service provisions of the charter: (a) by giving noncompetitive tests where competitive tests are required by law; (b) by holding special examinations for individual applicants; (c) by authorizing the regrading of examination papers after the time had expired for such regrading; (d) by altering eligible lists contrary to the rules of the commission; (c) by giving too great weight in examinations for experience; (f) by permitting persons to take examinations who did not have the entrance qualifications.

3. The commission has largely ignored the constitutional and charter requirements for filling vacancies by promotional tests.

4. The commission has, without question or investigation, authorized wholesale waivers of certification by eligibles.

5. The commission has continued to approve as legal pay rolls containing the names of persons holding positions illegally.

6. The commission has destroyed examination papers and other records in violation of the municipal code and the commission's own rules.

7. The commission has abandoned the use of technically trained men and women to assist their examiners in tests for highly technical positions.

8. The commission has failed to enforce the charter requirements prohibiting political activities.

The League's committee appeared before the state commission and the date was fixed for the hearing in Cleveland. Later, however, the state commission notified the League that the attorney general had rendered an opinion that the commission has no authority to investigate local civil service commissions in Ohio under the home rule provisions of the constitution. The League held a different opinion but decided not to take the matter into the courts.

Early in April the same charges were filed with the city council of Cleveland, which appoints the civil service commission, asking the council under the authority granted in the city charter to appoint an investigation committee which would have the power to subpoena witnesses and compel the production of books and papers. The charges were accompanied by the form of resolution instructing the mayor to appoint such a committee. The matter was referred to the judiciary committee and two hearings have been held on the resolution.

The indications are that the council will, if possible, avoid the investigation. Two of the newspapers are supporting the League's demands and public opinion may be able to force the council to adopt the resolution.

Mayo Fisher.

❖

State and Local Reorganization Proposed in Virginia.—Governor Byrd is actively behind a program of reorganization and simplification of the state and county governments of Virginia. The state administrative organization, he believes, is approaching chaos. There are nearly one hundred bureaus, boards and departments, many of which are independent of each other and of the governor as well. The governor is permitted to appoint the members of only twenty of the fifty-seven administrative commissions and departments upon whom he must rely to make his administration efficient. Ten important administrative officers are elected by the people and five by the legislature.

County government, he finds, is as bad, if not worse, than the state. His specific recommendations relating to this subject, which were incorporated in an address to the legislature and have since been introduced therein provide for the following:

A county budget.
Thirty days' notice before a tax levy can be increased with opportunity for public hearing.
Biennial audit of local accounts by the state accountant.
Bonds issued only by direct vote of the people.

Far-reaching reform of local government, however, must await constitutional amendment.

The recent legislature seemed to be heartily behind the governor's program and passed his resolutions proposing various constitutional changes to secure the short ballot in the state government; but the real fight will come at the next session when the amendments are up for final approval by the general assembly.

⁂

Hylan Pension Vetoed by Court.—Two local laws, passed by the New York Municipal Assembly under the home rule act and designed to bring Mr. Hylan within the provisions of the pension system, were declared void recently in the supreme court on the ground that the pension system is not a municipal affair inasmuch as it extends to county employees. The court held that the interests of the county employees are inextricably tied up with those of city employees and could be adversely affected by changes which the city might make in the pension system. The state statute establishing the pension system covers both the county and the city and the subject is not one on which the city can act under its home rule power.

One of the two local laws declared invalid reduced the minimum retirement age for clerical, administrative and professional workers (the class to which Mr. Hylan belonged) from 60 to 55 years. At the time of his retirement Mr. Hylan was only 57 years old and did not qualify for a pension under the state law. The other local law invalidated was designed to base the pension allowance on the average annual compensation earned in city service during the last five years of such service instead of the average of the last ten years.

Mr. Hylan has appealed the case and it is now before the appellate division. The original action was instituted by William Jay Schieffelin, president of the New York Citizens' Union.

⁂

Brownlow Resigns City Managership of Knoxville.—City Manager Louis Brownlow resigned his post on May 10. In a letter addressed to the city council he gives the reasons for his action as a gradual weakening of his physical condition coupled with the fact that he has been made the "official target for every sort of political potshot that mendacity can mould." Those who desire to regain control of the city for selfish ends and who would destroy the present system of administration, states Mr. Brownlow, attempted to persuade the public that their purpose was to get rid of him. He believed that if he eliminated himself "these agents of deceit" would have to find a new mask.

Mr. Brownlow's friends know him as an indefatigable worker and will recall that he has twice broken down on his present job. His physician advises a prolonged period of rest and this together with the political attacks upon him led him to believe that it was impossible for him to continue as manager.

Mr. Brownlow's accomplishments as city manager of Petersburg and later of Knoxville are known nation-wide, but many have felt that the demands of his present post have been making serious inroads upon his health. The Knoxville *News* in a front page editorial refers to the city's loss as irreparable.

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THE LEAGUE'S BUSINESS

The St. Louis Meeting.—November 8, 9 and 10 are the dates. The local headquarters will be at the Hotel Statler. Mrs. Marion C. Blossom is chairman of the local committee on arrangements which, in co-operation with the efficient St. Louis Convention and Publicity Bureau, is planning some unique features for the entertainment and civic enlightenment of the guests.

There is no city in the country to-day with a more interesting array of public problems before it than St. Louis. We note elsewhere in this issue the present situation respecting city and county consolidation. Public improvements and city planning are proceeding apace under the big bond issue authorized by popular vote three years ago. The movement for administrative reform in the state government has reached the stage at which something is going to be done, and last, but not least, the findings of the state-wide survey of the administration of justice in Missouri will have been announced and will be ready for discussion.

Many of our members will want to know about the methods, as well as the conclusions, of the Missouri Association for Criminal Justice which has spent months of time and thousands of dollars in investigating courts and procedure throughout the state. A tentative program will be announced shortly. In the meantime, mark the date on your calendar and plan to attend.

⁂

Death of Former Vice-President.—H. E. W. English, a former vice-president of the League, died March 28, 1926. He was long and intimately connected with the life of the city of Pittsburgh. His civic activities were many, one outstanding accomplishment was his successsul initiation of a social survey of Pittsburgh, which under the auspices of the Russell Sage Foundation resulted in the development of safety appliances, a hospital system and other humane agencies. Announcement of the death of Mr. English will bring sincere regret and a real sense of personal loss to many who are struggling in their own cities for those things for which Mr. English worked in Pittsburgh.

⁂

The Merit System in Government.—Through the kindness of our treasurer, Mr. Pforzheimer, the report of the Conference Committee on the Merit System has been published in book form and is now ready for distribution. It is bound in cloth and will be delivered postpaid for the price of $1.50.

⁂

Registration Methods to be Studied.—The League has organized a committee on the improvement of election methods. The first subject to be studied will be reform in registration practice. Dr. Joseph P. Harris, who has spent the past year in visiting various cities and studying their registration systems, is acting as secretary of the committee.

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EDITORIAL COMMENT

St. Louis Consolidation Scheme to be Presented to Voters

Our readers will recall that in November, 1924, the people of Missouri adopted a constitutional amendment providing for the creation of a board of freeholders for the purpose of devising a plan of consolidating the city of St. Louis and St. Louis county. Half of the freeholders were from the city and half from the county, and it was their function to prepare a plan for submission to the voters. This plan was to take one of three general lines. It might consolidate the territory into the city of St. Louis; it might extend the boundaries of the county to embrace the city, thus restoring dual city and county government in St. Louis proper; or it might enlarge the present boundaries of the city by annexation of part of the territory of the county, leaving the remainder as at present.

The board has been meeting since June, 1925, but the differences between the city and the county seemed irreconcilable. In April a proposal sponsored by the nine city members providing for a complete consolidation of the city and county under the city government was defeated by the solid vote of the county representatives. The county members preferred the plan of extending the county limits to include St. Louis but the city members objected that this would be a return to the old and wasteful condition of overlapping governments.

Under the law, the life of the board of freeholders was limited to one year. Ten minutes before their term expired the proposal favored by the city representatives was filed. This was made possible by the vote of a single county member who dislikes the city scheme but believed that the board should not die without reporting something. This member will doubtless oppose the plan at the polls, and inasmuch as it must be approved by the voters of the county as well as of the city, its fate is doubtful.

*

Commutation Rate Cases

Two railroads have for some time been seeking substantial increases in commutation rates to the city of New York. The public service commission of the state of New York and the transit commission are now holding joint hearings in one of the cases. Important questions of fact and policy are involved, which have important bearing on future commutation rate adjustments in all cities. The companies are presenting their cases on the general assumption that it costs just as much to carry a commuter as it does a regular passenger, and that therefore, the rates charged for commutation should be judged on the basis of the average cost per passenger (or passenger mile). This view is worked out somewhat differently by the two companies, but it is fundamental to both cases.

The city of New York and the commuters, who are opposing the increases, draw a sharp distinction and insist that it costs much less to carry a commuter than an ordinary passenger. They insist that there is a differential which must be established by concrete investigation and applied to the cost, apportioned between the two classes of service. The reason for such differential is due principally to the great difference in density of traffic, which has been rapidly increasing in the commutation business and effects lower unit costs per passenger. The companies' theory would disregard altogether the influence of density upon costs, and would keep from the commuters the bulk of the benefit of cost reduction due to the growth of that very traffic. This point has never been fundamentally worked out in any case, so that the New York decision will be of extensive general interest wherever questions arise as to the propriety of commutation rates and their proper basis of determination. J. B.

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Minneapolis Votes on New Charter

We go to press too early to report the result of the election in Minneapolis on June 21 on the proposed council-manager charter, which after several years of travail gained the right to be passed upon by the people, although in a form somewhat modified over that originally discussed. The charter follows the standard plan in many respects. A council of twelve aldermen is to be elected at large by proportional representation. The mayor, who will be a member and the presiding officer of the council, will also be elected at large although his duties are for the most part ceremonial.

The manager is given a free hand in the appointment and the removal of department heads including the department of civil service. Civil service rules are to be proposed by the director and adopted as an ordinance by the council.

The important deviation from standard form, and one which is questionable, consists in the establishment of a board of financial review of five members elected at large by proportional representation. This body has no power of initiation but, once it has been set in motion, it is superior to the council in respect to tax levies, appropriations, and bond issues.

Upon petition of one hundred taxpayers the board must hold public hearings on any bond issue, tax levy or appropriation and after such hearing may decrease or eliminate entirely such bond issue, tax levy or appropriation. The board's control extends to the school and library boards (also to be elected by P.R.) as well, and its decision in each case is final except as it may be changed by public referendum. There is thus set up an agency, outside the council and virtually master of it, designed to promote economy, if not efficiency, in Minneapolis government.

If the charter, excellent in other respects, is adopted by the people this division of authority will be costly rather than economical. There is no sound reason to suppose that in the long run the board of financial review will be any wiser or more high minded than the city council. The ultimate result will be either to provide a means of interfering with the council's plans for the foundation and execution of which it should alone be responsible, or to furnish an encouragement to the council towards extravagance, since it will be possible to pass the buck to a board of review.

Alternative provisions are set up for the election of the council, the board of financial review, and the school and library boards for use if the courts declare P. R. to be unconstitutional.

Living Up to the City Plan

City plans are like budgets, no matter how excellent and complete they are, they mean nothing unless they guide conduct. They are programs looking into the future; not to be lightly adopted, but once adopted to be adhered to in all essential details until changing conditions demonstrate the necessity of revision.

Since hindsight is better than foresight, the passing years may reveal ways in which the city plan could have been improved; but a reasonably good plan is infinitely better than no plan at all and perfection is illusive in a finite world.

Because the courts have looked askance on measures appearing to infringe private property the enforcement of the city plan has had until recently to rely upon an appeal to reason. Accordingly city planners have been slow in attempts to maintain the integrity of the plan at law. The selfish interest of owners and developers often runs counter to public good and as long as legal compulsion was lacking, as long indeed as prevailing judicial opinion favored the selfish individual, so long the fulfillment of the city plan as a unified plan remained a pious hope. It seems, however, that the time has come when city planners can rely upon a more sympathetic attitude on the part of the courts.

It was natural that zoning, which is so reasonable in practice, but which at first seemed to many to cut across private rights, should furnish the field on which the issue of private interest versus community development should be fought out; and Mr. Williams, writing in this number of the REVIEW, points out how New York state has extended the police power and the procedure of zoning to the enforcement of the city plan. By virtue of the laws passed by the recent legislature, buildings on streets not on the official map are prohibited; plats which contain new streets cannot be filed without approval by the planning board; and, except in special cases, buildings in the beds of mapped streets are forbidden. Obviously, broad prohibitions may work injustice in particular cases. Therefore the new planning laws take advantage of the device, which has proven so efficacious in zoning, known as the board of appeals. By this means injustices which otherwise would invalidate the purpose as well as the legality of the whole are ironed out.

The New York laws follow the proposals made by Mr. Williams in the NATIONAL MUNICIPAL REVIEW for July, 1921. In invoking the police power to protect mapped streets, the New York scheme differs from that which has been advocated and used in Massachusetts. The latter relies upon the state's power of eminent domain; but to protect mapped streets it may be necessary to condemn an easement for the future street to prevent building in its bed between the time it is planned and the time it is constructed. To some this seems to involve unnecessary expense, for the land must be condemned later when the street is to be built, but Massachusetts has been fearful of the courts and doubtful that the police power can be stretched to meet the situation. She has therefore preferred to rely upon the probability that few owners of land condemned for streets will show damages in advance of street construction.

A serious objection has been that the theory of condemnation disregards the broad social purpose of the city plan and places its whole operation on too narrow a basis. Undoubtedly the zoning cases are educating the courts and certainly the time has come, in some jurisdictions at least, when the enforcement of the city plan under the police power can be safely submitted to them.

In what department of the city government authority to enforce the plan should rest, is still debatable. As George B. Ford recently pointed out in an address before the American Society of Civil Engineers, the Ohio planning law and the Cincinnati charter give practical control to the planning commission. The commission makes the plan and no departure therefrom is possible except by a two-thirds vote of the city council.[1] Under the New York laws the plan receives its legal force from the legislative body, but such body may delegate to the planning board the power of veto over plats showing new streets.

From the standpoint of political science the chief question relates to the division of power present in the Ohio scheme, but absent in the New York system.

In times past it has been common to set up independent or semi-independent boards to exercise certain functions, particularly new functions. The cause was usually distrust of the city government plus a feeling that the particular work was so important as to justify a separate authority to handle it. The abstract arguments of that period seemed reasonable and convincing, and they were much the same arguments as are being made for semi-independent planning boards to-day. Nevertheless, the results were generally disappointing. Subdivision of power has been confusing to the voter and a protection to the politician. Activities were not taken "out of politics" simply by taking them away from the city council.

As the legal position of city planning becomes more and more established, those who have to do with municipal charters will be compelled to decide whether the planning commission should be made an exception to the sound general principle of unification of power or should continue solely in an advisory capacity. Independent water boards, police boards, and the like, seemed reasonable a generation ago. Few advocates are left to champion them to-day.

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[1] The Ohio laws make no provision for protecting mapped streets from encroachment in advance of street construction.

NEW YORK HOUSING LAW TO AID WAGE EARNERS

BY GEORGE GOVE

Director, New York Bureau of Housing and Regional Planning

The state's power of condemnation and tax exemption has been summoned to the relief of 70 per cent of the city's population. :: ::

After more than a half century of agitation against the evils of the slum, New York is taking its first practical step toward their abolition. One of the most important measures enacted in the closing days of the legislative session was the state housing law designed to enable private enterprise to build tenements that may be offered at rentals within the means of wage earners. By means of this legislation it is expected that an effective program will be undertaken for permanent housing relief: first, by the gradual reconstruction of the worst tenement areas in cities; and second, by the adoption of a uniform method of providing adequate housing for families of limited income which commercial enterprise cannot serve, applicable not only to the worst tenement areas but as well to any part of the city or cities in which the need is manifest.

AN OLD EVIL

The permanent features of the housing problem in New York have been recognized for more than half a century. The underlying population in cities always has been and is now, inadequately housed. Since the middle of the nineteenth century investigation after investigation has been made by legislative and municipal commissions and by reform organizations. Through all these years succeeding legislatures have attempted to deal with the problem by placing added restrictions on commercial builders in an attempt to improve housing standards. But restrictive legislation has failed to discover a remedy. Restrictive laws have been essential as a preventive. They have established minimum standards for housing, but they have not produced new houses. Restrictive legislation has been directed wholly toward the amelioration of conditions which have been reported from the time of the first investigations in New York City and Brooklyn in 1857 through succeeding reports of the Council of Hygiene and Public Health in 1865, the Tenement House Commissions of 1884, 1894, 1900 to the present day. Through these reports there runs the continuous description of housing conditions as vile as are to be found anywhere in the world,—of filth, congestion, deterioration, degradation, dark rooms, inadequate sanitary provisions, high rents and exorbitant profits. The larger the city the more serious has been its housing problem. With higher land values have come higher rents, higher taxes, higher costs of transportation, all making it more and more impossible to provide housing at rentals within the range of average incomes.

The housing emergency which followed the war was but an intensification of a permanent underlying problem. For the time being, due to increasing rents, the eviction of tenants and the downward pressure exerted by families all bidding for relatively low rental properties, it became necessary to restrict the rental return on residential property; but it was at all times understood that the emergency legislation was only a palliative and that it offered no constructive solution for the abuses which it was designed to curb.

EXTRAORDINARY LIMITATIONS AND POWERS TO HOUSING CORPORATIONS

It is believed that the recently enacted housing law contains the essential elements of a sound constructive program. The state housing law declares that: "Congestion and insanitary housing conditions which exist in certain areas of the state in low priced dwellings are a menace to the health, safety, morals, welfare and reasonable comfort of the citizens of the state." It declares further that: "Correction of these conditions in such areas being now otherwise impossible, it is essential that provision be made for the investment of private funds at low interest rates and acquisition at fair prices of adequate parcels of land, the gradual demolition of existing insanitary and unsafe housing and the construction of new housing facilities under public supervision in accord with proper standards of sanitation and safety." The State Board of Housing is created to select and to approve areas in which construction may be undertaken by limited dividend corporations formed under the act for the execution of projects. The maximum rentals to be charged in the dwellings constructed range from $9.00 to $12.50 per room per month according to location.

The actual building will be undertaken by private capital organized into limited dividend companies of which two kinds may be created under the law,—so-called "public" and "private" limited dividend housing companies. Both are required to provide one-third of the actual cost of any operation by the issuance of corporate stock. The remaining two-thirds of the cost is to be met by first mortgage at an annual interest rate not in excess of 5 per cent. The public limited dividend housing companies must limit their dividends to 6 per cent and provide for the amortization of their bonded indebtedness as may be required by the state board of housing. They may acquire a reserve equal to 12 per cent of the outstanding capital stock, but they are not permitted to transfer their net earnings to surplus in larger amount than is approved by the board of housing. Furthermore, such public limited dividend companies may not voluntarily dissolve without the consent of the board and they may not alienate any property acquired under the terms of the act except to another limited dividend housing company which shall similarly have been formed with the approval of the board. All gross receipts in excess of the allowed fixed charges which include transfers to reserve funds, must be returned to the tenants of the buildings in the form of reduced rents.

In return for these limitations the public limited dividend companies are granted the right of condemnation for acquisition at reasonable prices of such parcels of land as may be necessary to the execution of approved projects. Any municipality in which a housing project shall be undertaken before January 1, 1937, is authorized to exempt both land and buildings wholly or in part from local taxation. According to the act public limited dividend companies are exempt from corporate and other forms of state taxes; their bonds and mortgages are declared to be the instrumentalities of the state, issued for a public purpose, and exempted from taxation, together with the interest on them.

The private limited dividend companies are less restricted in their operations. They are not granted the right of condemnation and accordingly they are not restricted in the sale of their properties. Dividends on their stock are likewise fixed at 6 per cent. Their securities, though declared not to be instrumentalities of the state are nevertheless exempt from state taxation both as to principal and interest. As in the case of public limited dividend companies the buildings and land acquired by the private limited dividend companies may be exempted by municipalities from local taxation so long as such companies own and manage their properties.

The proposed projects of both public and private limited dividend companies must be approved by the housing board after submission of complete plans in such form and with such assurances as the board may prescribe.

TWO-THIRDS OF FAMILIES NEED RELIEF

The imperative need for some form of permanent housing relief and the impossibility of adequate relief through the operation of unaided commercial enterprise were most clearly set forth in the report which the housing commission presented to the legislature in February along with its concrete proposals. Though the measure as finally passed differs in important respects from the one presented by the commission and sponsored by the Governor, the commission's report remains its inspiration and its constitutional justification. That report demonstrated that with all of the periodic investigations since the middle of the nineteenth century neither the awakening public conscience nor housing legislation have brought any substantial housing relief to the majority of urban families. The report showed that no marked improvement had come in the past 25 years through the demolition of old insanitary dwellings which had been condemned as unfit for human habitation in 1901 when the present tenement house law was enacted. It cited 23 buildings in New York City which had been reported as a public menace in 1885 and showed that 14 of these buildings are still occupied wholly or partially for residential purposes. It showed that at the prevailing rate of demolition it would be 138 years before the last of the insanitary, "old law" houses are demolished.

The futility of relying further on unaided commercial enterprise for a solution was made clear by the report of new construction in recent years. Although the new construction from October, 1920, to October, 1925, had increased the volume of housing by more than 20 per cent, yet conditions for the majority of families in New York City had not improved. For more than two-thirds of the families new construction had brought no relief. The reason for this was apparent in the record of rents charged. Of the total number of apartments constructed by commercial builders in 1924, only 2.6 per cent rented for less than $12.50 per room per month. In previous reports the commission had shown that more than two-thirds of the families in New York City have incomes of less than $2,500 a year. Approximately one-fourth of the families have incomes between $2,500 and $5,000. Less than one-tenth of the families have incomes above $5,000 a year. The wage-earning population is almost entirely included within the class earning less than $2,500 a year. These families can pay not more than $600 a year for rent. Their average rental limit is less than $500 a year. No housing accommodation that rents for more than $12.50 per room per month is available to this vast underlying population of the city. At that rate only the favored families in this group may be supplied. For 70 per cent of all the families of the city, commercial enterprise has supplied less than 3 per cent of the total new construction in the year 1924; 97 per cent of the total construction is available only to that 30 per cent of all the families of the city with annual incomes in excess of $2,500. As shown by this record, commercial enterprise, in multi-family construction, provides for not more than 30 per cent of the population. The commission also showed that in one and two-family construction the costs either under purchase or rental place an undue burden on the income of any family earning less than $2,500 per annum.

POSSIBLE ECONOMIES

When private building for profit satisfies the housing demand for 30 per cent of the population, further construction becomes unprofitable. It continues only so long as the market is "favorable" or until evidence of surplus is discovered in a downward trend in the higher rentals. Then the lending agencies become conservative and private building stops. The cycle revolves slowly. Even this limited surplus is infrequent. And this small and occasional surplus, derived from housing construction intended to satisfy the demand of only 30 per cent of the population, represents all that commercial enterprise ever provides to meet the constantly increasing needs of 70 per cent of the population. The average family must be content with leftovers—and there are never enough of these to permit adequate housing for more than half of the population. The commission declared that, "A system of producing houses which is geared to satisfy less than one-third of the current requirements of society must be accounted a social failure. It may function satisfactorily in its limited field, but it must be supplemented by some other producing agency if the social need for housing is ever to be satisfied.

The commission's proposals, now enacted into law, recognize the necessity of introducing practical economies throughout the entire housing operation, beginning with the acquisition of land, through the purchase of materials, construction of buildings and the management of the rental properties. Analysis of housing costs has shown that the major economies are to be found in the reduction of the interest rate and the elimination of speculative profit in land. The interest charges represent more than half of the total current expenses of housing. At rates paid by commercial enterprise, 54 cents out of every dollar paid for rent goes for the payment of interest charges. The ordinary commercial rates of interest average 9 per cent—probably more rather than less. A reduction of this rate by 1 per cent will represent a possible rental reduction of one dollar per room per month. Under the plan proposed by the commission, the prevailing rates of interest may be reduced 3 per cent or more. Further economies will be obtained in the reduction of the annual rate of amortization, through tax exemption and possible reduction in the cost of land by exercise of condemnation.

The possibilities of this program are apparent. Commercial enterprise now takes care of the needs of 30 per cent of the population. The needs of the 70 per cent do not concern commercial enterprise. In the jargon of the economist they do not constitute part of the "effective demand." Pressing as their needs may be, these families cannot afford to buy good houses. Under this program a large part of this 70 per cent may be supplied. There will remain some for whom direct provision cannot be made economically; but the average worker, the man with an income of $1,400 to $1,800, may be decently housed. It should no longer be possible to say that the majority of the families of the city are, have been and will continue to be inadequately housed.

MUNICIPAL LIGHT AND POWER IN TACOMA

BY FRED S. SHOEMAKER

Tacoma has had a municipal electric plant for 23 years. Natural advantages plus good management have brought power rates as low as .45 cents per kilowatt; residence cooking rates are 1 cent per kilowatt and heating rates $^1/_2$ cent. :: :: :: :: :: :: :: ::

MUNICIPAL ownership of electric light and power has thus far proved eminently satisfactory to the citizens of Tacoma. In 1925 a plant valued at a little less than $6,500,000 produced a net income of over $844,000 and at the same time furnished light, heat and power at very low cost.

Municipal ownership is not a new thing in Tacoma. Constant trouble with a privately owned company, largely due to the rapid growth of the city and the inability of the company to render service, led to an election in 1893, in which it was decided that the city should purchase both the light and the water plants. This was done at a cost of $1,750,000. The electric plant was improved a good deal by the city, but proved inadequate to meet the growing demands made upon it. In 1897 the city began purchasing current from private companies and was obliged to continue this policy for a period of fifteen years.

In 1909 the city voted to erect a hydro-electric plant on the Nisqually River at La Grande about forty miles from the city. The river is fed by a glacier on Mt. Tacoma and the site has proved very satisfactory. Construction was finished in 1912 and the city became the owner of a plant with a capacity of 24,000 kilowatts, or 32,000 horse power, at a cost, including transmission lines and sub-station, of $2,354,000, or about $73 per horse power.

Rapid increase in the use of electric power soon made it evident that an additional source of supply must be found. Investigation began in 1917, and after two years the city finally decided upon Lake Cushman on the Olympic Peninsula as being the best

ED. NOTE.—The editor welcomes articles on the practical activities of cities with respect to their public utilities, public works, police or other phases of administration. Whether the experience has been successful or not makes no difference. The story in any case will be interesting and valuable to other cities.

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available site. Its purchase was authorized by popular vote in that same year. This site in the Olympic Mountains is very different from the Nisqually site in the Cascades for its value depends upon water storage, a lake ten miles long being impounded by a dam 275 feet high.

The first unit of the plant costing $5,300,000 and producing 50,000 horse power was completed in the spring of 1926. The second unit will produce 90,000 horse power at an estimated cost of an additional $5,000,000. This will make the cost per horse power for the entire development about the same as the cost of the plant at La Grande.

RATES

The city has a monopoly of the electric lighting business in the city limits, and has practically eliminated the local gas company as a competitor for light business. There is competition, however, in the heating, cooking and power service. The privately owned electric company has a franchise which allows it to sell electric energy for heating and power to customers requiring more than 25 horse power. The gas company, also, is an active competitor for cooking and heating service.

The power rates of the municipal plant vary from 2.4 cents per kilowatt down to .45 cents per kilowatt, depending upon demand, or load factor. The city has recently announced that in June, 1926, there will be a further reduction in rates of about 10 per cent, favoring chiefly the larger users. The residence rate is 5 cents per kilowatt hour for a certain minimum demand and one cent per kilowatt for all additional current. For cooking the rate is 1 cent per kilowatt, and for heating ½ cent per kilowatt. For commercial lighting the rates are slightly lower than for residence lighting.

FINANCIAL CONDITION

The business of the city plant has increased threefold in the past ten years, amounting in 1925 to over $1,600,000. The annual net surplus has likewise increased until in 1925 it amounted to $844,000. The surplus has been used each year for the retirement of indebtedness and for the improvement of the plant. An auxiliary steam plant was constructed out of earnings and three quarters of a million dollars was contributed toward the construction of the new Cushman plant, reducing the amount of the necessary bond issue by that amount.

Excluding the new Cushman development, the light plant has an estimated value today of over $6,400,000. The final bond payment of $46,637.50 will be met June 1, 1926, and then the plant will be free of all indebtedness. There is an additional bond issue of $300,000, which cannot be paid until 1929, but funds have already been set aside sufficient, with accumulating interest, to meet it on the due date.

It is certainly something new in the realm of municipal ownership to find an electric light plant worth $6,400,000 entirely free from indebtedness. The loan for the new plant covers both new and old plants, but the retirement of the entire debt of the old plant is a notable achievement.

TAXES AND PAYMENTS FOR SERVICE

Questions regarding taxes and payments for service usually bring about disputes between advocates and enemies of municipal ownership, and this is true in the local situation. The municipal plant is exempt from the general property tax. In this state property is assessed for purposes of taxation at 50 per cent of its market value. When both units of the Cushman plant are finished, the plant will have a total book value of about

$17,000,000, and half of that sum, or $8,500,000, would be quite an addition to the tax roll. For 1925 the local tax rate for state, county and various municipal purposes totaled 72.16 mills on a 50 per cent valuation. This would represent about $220,000 on the valuation of the plant at that time, or about $580,000 if the entire plant were finished. In this connection, however, it should be pointed out that another local utility, which is privately owned, is valued for rate making purposes by a state commission at over $7,000,000, while for purposes of taxation it is valued by another commission at less than $1,500,000.

Although exempt from the general property tax, the electric plant does pay into the general fund a 5 per cent annual tax on its gross earnings.

The municipal electric plant receives services from other city departments which are supported by taxation. The city attorney, the city treasurer, the city clerk, the city comptroller and the civil service commission, all handle work for the municipally owned utilities. In fact, this work takes a large part of the time of some of these offices. The business of the light plant and of the water plant has grown to a point where it represents in volume fully half of the entire business handled by the city. To compensate the taxpayers for these services the electric plant for the past four years has paid 15 per cent of the operating cost of these offices. An additional 10 per cent is paid by the water plant.

On the other hand, the electric plant renders a service to the city for which its engineers assert that it does not receive adequate compensation from the taxpayers,—namely, street lighting. The city is exceptionally well lighted. A population of about 150,000 is provided with over 5,700 street lights, most of which are either 250 or 400 candle power, and some of which are of 1,000 candle power. For this service the department receives $65,000 from taxation, although its engineers contend that the service is worth nearly twice that amount.

As for the question of taxes, the attitude of the light department up to the present time appears to have been that the city benefits more from low light and power rates than it would benefit from an increase in the funds available for expenditure by the departments supported by taxation. There seems reason to believe, however, that the department is able to pay its full share of the general city expense, in addition to maintaining low rates.

RESULTS

There can be no question but what municipal ownership of our electric plant has proved a success in Tacoma. There is practically no opposition to municipal ownership and operation of this utility. Low power rates have attracted new factories. Low rates for cooking have resulted in the installation of over 3,800 electric stoves and ranges. Low heating rates have resulted in many houses and apartments being heated solely by electricity.

Not many cities can duplicate the results obtained here, for Tacoma is exceptionally fortunate in being in close proximity to mountain ranges containing several possible hydro-electric sites, which can be developed at low cost. This fortunate situation, however, is not the entire explanation, for we do not have to go far from Tacoma to find another community, almost equally well situated, which has expended very large sums of money for hydro-electric development with not very satisfactory results. Tacoma has been fortunate in securing the best available sites and in having the development and operation of its plant conducted with reasonable efficiency and entirely free from any form of graft.

PENNSYLVANIA'S PRIMARY

BY CLINTON ROGERS WOODRUFF

Not a clean-cut wet and dry campaign—Republican Party still without a state boss. :: :: :: :: :: :: ::

In analyzing a political situation, a single track mind greatly simplifies matters. There's but a single destination, and a single approach to it. So to the anti-prohibitionist, the results of Pennsylvania's primary are easily and quickly explained. Mr. Vare, the successful senatorial candidate, stood on a simple platform. In his own words, "The Volstead act has worked tremendous harm. It has broken down moral restraints, fostered disrespect for law, increased drunkenness and crime, and is a menace to our boys and girls through the medium of the 'hip pocket flask' habit. And it has not brought about prohibition which is the only excuse for its existence. I believe that its amendment, so as to permit the legal sale of beer and light wines, will restore respect for law and bring about true temperance. I am for that amendment. My two opponents are against any change in the present law which would mean a continuation of present conditions."

To this straightforward declaration he added: "If you vote for me, you vote for amendment. My nomination will be notice to the country and to congress that the great Republican state of Pennsylvania is for amendment and the result will be immediate."

He put the issue even more concretely and forcibly in his speeches: "Do you want a glass of beer? Then vote for me." There was no misunderstanding that direct question. And yet there were thousands who did not want a glass of beer, never had wanted a glass of beer, but who voted for him because he was the Organization candidate; others because they did not like Governor Pinchot or the supporters of Senator Pepper.

PEPPER HAD WET SUPPORT

On the other hand, the ardent Prohibitionist will tell you that Mr. Vare's nomination was not a public demonstration in favor of the modification of the Volstead act, because the combined vote for Messrs. Pepper and Pinchot both of whom declared in favor of the Volstead act, was greater than Mr. Vare's. How easy! Such a declaration, however, overlooks the fact that many of Senator Pepper's supporters were avowed wets, notably in Allegheny county, where lies Pittsburgh, one of the wettest cities in the state. There he had the support of the Republican organization, of which W. L. Mellon was the head, and that organization is notoriously and unblushingly wet. Likewise Berks county with its large German population, with an acknowledged fondness for beer, gave Senator Pepper a substantial plurality.

How many of Mr. Pepper's supporters were wet, how many moist, how many dry, no one will ever know until the day of judgment.

Governor Pinchot has deservedly earned the reputation of being the driest of the dry. I do not think there has been any dispute about that. At the same time he carried the four great mining counties of Lackawanna, Luzerne, Carbon and Schuylkill, because of the help he had given the miners in the recent strike and that of two years ago. Miners, however, are wet, avowedly, notoriously wet, but their gratitude outweighed their thirst and they supported their benefactor.

Again your single track mind will tell you it was the victory of the city over the country, because Mr. Vare owes his nomination to the enormous majority rolled up for him in Philadelphia. He only carried two counties, Philadelphia and Dauphin. Pittsburgh is a pretty big city, but it did not register a majority or plurality in his favor. The same can be said of Scranton, Wilkes-Barre, Erie. These cities were for other candidates. The country was not united, Pinchot carrying 23 counties and Pepper 42.

THE POWER OF ORGANIZATION

If one were disposed to be single-tracked in his analysis he would come nearer the truth if he asserted that Governor Pinchot's candidacy made Mr. Vare's nomination not only possible but inevitable, for the Governor divided the normal Pepper vote and scarcely dented Vare's. Mr. Vare did not announce his candidacy until he knew that the Governor would run against Senator Pepper. He showed good political judgment. Indeed his political strategy was far superior to that of either of his opponents. He made few mistakes. He was temperate in his remarks. He used no vituperation in the face of great provocation. His opponents exhausted themselves in hurling charges, although the Governor addressed most of his to Senator Pepper, who was as much anti-Vare as he was.

This campaign, and its results illustrates again, if that were necessary, that it's poor politics to call names.

> Sticks and stones may break my bones,
> But names will never hurt me.

It also illustrates the power of political organization. Mr. Vare's was united, efficient, effective. There was a very great amount of Pepper sentiment in Philadelphia, but it did not crystallize into sufficient votes. His vote was just about the same vote that the Independents have been polling since the days of the old Municipal League.

To hear Mr. Pepper's campaign manager talk or to read his pronouncements, one would think it was impossible for a decent man or woman to vote for Mr. Vare, but many thousands of them did. Some for one reason, some for another. Some because they wished to voice their objections to the Volstead act; some because they resented the action of a great Protestant body which has been conspicuous in its advocacy of Volsteadism; some because Vare represented the common people, while his opponents were identified with the plutocrats of the land; some, perhaps a majority, because *The Organization* was for him.

When the first returns came in it looked as if Mr. Vare had won an overwhelming political as well as a personal victory, for they indicated that his gubernatorial candidate had won as well; but later returns showed Fisher to be the successful candidate. Had Beidelman been chosen it would have made Vare boss of the state as well as of Philadelphia. He is a potential factor by reason of his success and of his smoothly running political machine, but not supreme boss, as were Penrose, Quay and the Camerons in their day.

For a man who two years ago was to be relegated to the ranks of a ward leader, however, Vare has done remarkably well.

John S. Fisher, who has won the Republican nomination for governor, is a singularly well-fitted man for the place. He has been a school teacher, corporation official, lawyer, financier. He was eight years a state senator and as such conducted the successful investigation of the State Capitol scandals. He was also for four years an efficient banking examiner.

He is admirably fitted to give the State Code, inaugurated by Governor Pinchot, with the hearty support of the Republican organization, a fair tryout.

SKETCHES OF AMERICAN MAYORS

IV. WILLIAM E. DEVER OF CHICAGO

BY VICTOR S. YARROS

Mayor Dever was elected on his record as alderman and judge by the vote of members of all parties as a protest against eight years of Thompsonism. How has the early promise of his administration been fulfilled? :: :: :: :: :: :: :: :: :: ::

In April, 1923, the voters of Chicago elected Judge William E. Dever to the office of mayor by a very handsome majority. His opponent, Arthur Lueder, Republican postmaster of Chicago before and since the election, was a very respectable candidate. The latter was not defeated because of his republicanism in national politics—Chicago had often elected Republican mayors—but because thousands of independents and semi-independent Republicans had reached the conclusion that Dever was the fitter of two fit candidates and the more likely to promote the welfare and progress of a community faced by many difficult and vital problems.

Judge Dever was not the choice of any machine or party boss. It was generally believed at the time that the Democratic machine of Chicago had another candidate for mayor and did not favor Dever. Groups of forward-looking and disinterested citizens, after a survey of the field and the available timber, had decided to urge Dever upon the organization and its boss, and Judge Dever himself had to be prevailed upon to give up a comfortable, politically safe, fairly profitable place on the appellate bench in order to reenter the uncertain, storm-swept, not too clean arena of partisan politics.

HIS EXCELLENT RECORD

Judge Dever, with considerable reluctance, had yielded to the arguments and pleas of the friends of good government and had become a candidate for the office of mayor. The Democratic machine and its head, also not without misgivings and inward struggles, had accepted Dever's candidacy. Judge Dever was elected on his record in politics, in civic affairs and on the bench. He had served as alderman in the city council for many years from a cosmopolitan West Side ward, was well known to the religious and other leaders of his district, had taken part in social-settlement activities, and had an excellent reputation. His probity and sincerity had never been questioned. As alderman, his vote had never been given for a dishonest ordinance or dubious, tricky resolution. He had been repeatedly praised and indorsed by the famous Municipal Voters' League in its frank and unsparing annual reports on aldermanic candidates and their records. In fact, his service in the city council and his acquired knowledge of municipal and civic affairs commended him to intelligent voters and good-government organizations even more than did his personal and political honesty.

It should be remembered that the spring of 1923 in Chicago witnessed the closing of a shameful régime of graft, spoils, waste, grab and revolting humbug in the City Hall. For eight long years the city had groaned under a succession of scandals in the municipal government. It had twice elected a mayor who was intellectually unfit for the office, who was indolent and ignorant, and whose advisers and henchmen had utter contempt for economy, honesty, efficiency or decency. Paralysis and stagnation, with mounting costs of government, higher taxes, sloth and parasitism in all the departments, bribery and blackmail in the police department and riotous extravagance everywhere—those were the beauties of the infamous régime that was passing into history at that time. The majority of the people were sick and weary of misrule, of monumental incapacity, of rant and cant, and of cynical corruption.

Dever was elected because the people longed and prayed for simple honesty, for intelligence and for constructive municipal and civic policies. Judge Dever made no sweeping promises during the campaign; he painted no utopias; he indulged in no glittering generalities. But the voters knew that he was a progressive and at the same time a practical and sane student of municipal problems.

A QUIET WORKER

How did Mayor Dever go to work after his election and installation? He eschewed pomp and circumstance; he selected capable, fit and trustworthy subordinates; he assured the city council of hearty co-operation and non-partisan treatment of all matters within his and its purview, and he openly appealed to the decent elements for support.

Mayor Dever is no crusader, no militant reformer, no orator, no spellbinder. He is quiet, modest, patient, fair-minded, simple in speech, responsive to new ideas. He accepts few invitations from organizers of banquets and conferences, but when he speaks, he has something definite to say. He inspires confidence, and the business and civic organizations of Chicago have in fact evinced trust and confidence in him in very palpable ways. They have lately made concessions and gifts to the city which they would never have made to a spoilsman, partisan or demagogue. For example, a group of railroad executives has offered to defray the cost of an important improvement, the straightening of the Chicago River in the heart of the city—thus facilitating the opening of several needed streets now blocked by yards and tracks. The expected increase in the value of the land owned by the railroads may or may not eventually offset the immediate sacrifice, but the point is that a very desirable improvement, strenuously opposed by the railroads for two decades, was made possible by the tact, conciliation and good faith of the mayor. To take another example: the Commercial Club, a body of leading men of affairs, has offered the city a survey of and report upon its requirements and potentialities as a lake and river port. The city is too poor, owing to an antiquated and impossible revenue system, to finance the survey, and the offer of the Commercial Club was praised and welcomed by the mayor and his cabinet. (The council voted to accept it, though not without some foolish grumbling.)

TRACTION AND PROHIBITION

Mayor Dever has had to deal with two very intricate and difficult questions—one of them foreseen, the other unforeseen and rather embarrassing. The first was traction, the second prohibition.

The local traction question seems eternal. It was "settled" in 1907 by what was then rightly considered to be a model ordinance. But the franchises of the street car companies then granted expire next spring, and a new settlement is necessary. There is much sentiment for municipal acquisition, ownership and operation of those lines, and Mayor Dever is, in fact, pledged to this solution of the problem. But Chicago has exhausted its constitutional bonding and borrowing power, has no cash sufficient for the purpose, and no prospects of easier financial circumstances in the near future. It cannot order the companies to take their tracks and equipment off the streets and suspend service. It cannot confiscate the property. It cannot impose arbitrary terms. It is forced to bargain with the companies and the bankers who represent the security holders. It must, in short, compromise and accept, for the present, something short of municipal ownership.

Last April Mayor Dever and his supporters in the council offered a traction plan to the electorate. The plan was honest and well-considered, but it was not "straight" municipal ownership. It was emphatically rejected by the voters. Moreover, reformers and progressives friendly to the Mayor publicly or privately condemned "the Dever plan" and made common cause with reactionaries, humbugs and spoilsmen in the effort to kill it beyond resurrection. The mayor was charged with vacillation, weakness, betrayal of the cause of public ownership, lack of business sagacity, acquiescence in a corporation grab of a most audacious sort, and what not. In these charges there was much violent exaggeration, but there was also some truth. Mayor Dever's handling of the traction question was far from masterly and his leadership far from inspiring or vigorous. He has not cared or ventured to resubmit his plan, though no better one, or one satisfactory to him and his advisers, has been proposed during the period that has elapsed since the adverse plebiscite. Mayor Dever has, for the present, washed his hands of the traction problem. The aldermen are negotiating with the companies, offering them an *indeterminate* franchise, suggesting other new features, and hoping to offer a definite settlement to the voters in the fall. The mayor is not co-operating with them, and has hinted at dislike of and opposition to so-called terminable franchises. He is just now under press and citizen criticism for this passive and negative attitude, but he takes the ground that it is the business of the aldermen to work out a solution of the traction problem, and that his views will be given at the right and ripe moment. This may be technically correct, but the city needs direction and leadership and looks for these qualities to the mayor.

POLICY ON PROHIBITION HAS COST FRIENDS

In dealing with prohibition Mayor Dever has displayed courage, consistency and independence. He is a "wet" in theory, and most of the Democrats who voted for him undoubtedly expected him to give the wets the benefit of a policy of benevolent neutrality. That is, they expected him to wink at widespread liquor smuggling, beer running and bootlegging. They expected him to issue orders to the police against undue zeal and vigorous pro-prohibition activity, though they had no objection to an occasional Pickwickian declaration in favor of law enforcement or of the moral duty of obeying all statutes regardless of their reasonableness or necessity.

Perhaps Mayor Dever would have pursued this policy, but soon after his installation he found it utterly impossible. Beer manufacture and beer running and bootlegging might be tolerated—these things *have* been and *are* tolerated by church-going and reputable mayors and governors—but murder, inter-gang feuds accompanied by robbery, burglary, assassination, wholesale corruption of police officers, secret alliances between powerful bootleggers and high officials—these things Mayor Dever could not overlook or suffer.

He issued orders to police to close the breweries, stop inter-gang murders, and arrest or scatter instead of protecting the lords of the illicit liquor trade. He has not dried up Chicago, to be sure, but he reduced the murder rate and cleaned up a good many police stations. He has lost hosts of friends and supporters, who persist in misinterpreting his position. If he is renominated by his party, he may lose the election. Thousands of low-lived and unprincipled ward heelers and "workers" will knife him, out of spite and malice, if not in the hope of securing a wet administration. But it is a fact that many anti-prohibition liberals and progressives admit that Dever had *no choice* in respect of the wet-and-dry issue and was bound to act as he did.

A BETTER ADMINISTRATION

Aside from these major questions, Mayor Dever has justified all expectations of the true friends of good government and forward-looking administration. There have been no spoils or contract scandals under him. He believes in the merit system and applies it. His civil service commission is not "a wrecking crew"—a phrase used by a civic body to characterize the so-called merit commission of his predecessor. There are no fake sixty-day appointees in the offices. Examinations are held as and when the law requires, and the grading is honest. Applicants know that they will get a square deal.

Mayor Dever is interested in intelligent and worthy employment of leisure time. He has discussed recreation and amusement projects with civic clubs, has encouraged good music *al fresco*, and has ordered a survey of the summer amusements of other cosmopolitan and big cities. He has appointed a commission to study the whole problem of recreation.

He would have done more in these and other constructive directions had he not been handicapped by lack of revenue—a lack due, in the first place, to an obsolete and unenforceable "general property tax" which the generality of taxpayers successfully dodge, and, in the second place, to favoritism, politics, discrimination and caprice in the assessing of real estate, improvements and tangible, visible personal property. The state legislature, not the city governments, can revise and modernize revenue and assessment laws, and Mayor Dever's persistent advocacy of tax reform has possibly helped to dramatize that issue.

SOME CRITICISM

It should not be inferred from the foregoing that Dever has no foes and no critics among enlightened and independent citizens. Some of these think that he has not been sufficiently stern or aggressive; that he has delegated too much power to George Brennan, the Democratic leader, or boss, of Chicago and the rest of the state; that he has not saved as much money for the taxpayers as he might have saved by more rigorous retrenchment, economy and reorganization; that there are still not a few sinecures and parasitic hangers-on in the City Hall, and that Dever ought to have done what Mayor Jackson of Baltimore did—invoke the aid of business men and civic organizations and authorize them to employ efficiency experts, overhaul the pay-rolls, and make a clean sweep in all the departments.

However, even these critics heartily commend the mayor's integrity and complete freedom from selfish ambition or partisan prejudice and bigotry. The sins they charge him with are sins of omission, not of commission. They complain of his temperament, not of his character or his ideas.

Chicago is said to be one of the most lawless cities in the country, but in combating crime and criminal vice team work is necessary—the earnest and effective co-operation of city, county, state and federal authorities. Chicago has not been fortunate in its state's attorneys, its sheriffs, its jailers and its inferior judges. A mayor cannot do the work of grand juries, prosecutors, courts and trial juries in addition to his own. The fair-minded give Dever credit for what he has done, for what he has endeavored to do, and for the standards he has tried to live up to despite pressure, antagonism and temptation. His reputation in the country is deserved, and his record, if far from perfect, is quite exceptional in some respects.

CONGESTION DE LUXE—DO WE WANT IT?

BY C. A. DYKSTRA

Efficiency Director, Department of Water and Power, Los Angeles

Last month Daniel Turner wrote on the vicious circle of rapid transit and congestion with special reference to New York City. This month Mr. Dykstra discusses the same problem from the standpoint of Los Angeles' experience. And the east and the west have met, for without any collusion or conspiracy the two authors have arrived at virtually the same conclusions. :: :: :: :: :: ::

Confronting city fathers in all of our rapidly growing cities is a problem that is insistent and yet, under our prevailing philosophy of city planning, seemingly impossible of solution. It is the fact of increasing and ever increasing congestion, congestion de luxe. The physical result of this congestion is the slowing up of all transportation facilities and the consequent tying up of traffic. Any trucking concern will furnish astounding figures as to the time it takes for the delivery of materials in the built-up sections of our large cities. The human and social problems raised by this fact of congestion are no doubt even more important than the merely physical difficulties involved, but they are not so obvious and tangible. They impinge upon the congestion problem, however, and find some expression in the popular demand for more rapid transit.

The modern city is a result, in part, of certain well recognized economic, commercial and industrial causes. These have been discussed sufficiently in many places, but its physical difficulties and many of its congestion problems have not had so much attention. They are due, in some varying degree, to that business psychology and city planning attitude which believes in the so-called stabilization of the "business district." This attitude is the result of a centralization complex which thinks in terms of higher and higher land values, heavier sales volumes, pedestrian counts, bigger rentals and finally, in order to carry such values, bigger and better skyscrapers. "Buy business frontage and insure your old age" is the slogan of an increasing number of investors. An amazing number of middlemen are busy tickling the speculative instinct of land buyers. The recent Florida exuberance is but an aggravated instance of what is going on in some proportion in our larger population centers all the time.

BUSINESS INTERESTS WHICH FAVOR CONGESTION

In order to maintain values in land, people in increasing numbers are essential. Therefore, the drawing power of the central district in great cities is tremendously important. It needs stimulating constantly. But the natural reaction of a population anywhere is to spread out in sub-centers, to build up small communities and business districts, to get the advantages of the city without its very apparent disadvantages. The centralizationist has to combat this tendency, make the business section more and more attractive and easier to get to, appeal to popular and local pride, advertise the advantages of trading downtown and, in a general way, arouse the interest and curiosity of the up-towner. A glance at the advertising of the great stores in any metropolitan daily and a peek into the show windows will furnish evidence on this point.

The pioneer of the old days has been transformed into the promoter of the new age. The city is his oyster. The instinct for land—which once was a longing for acreage—is now a desire for close-in property. Income from land is the appeal. We all have it in a greater or lesser degree. Up to a certain point, this desire is no doubt wholesome, but there is a law of diminishing returns. The result after that point has been reached, is tremendously costly, both in money, and in social advantages. Mr. Mumford, in a recent article in *Harper's Magazine*, discussed this phase of the subject most admirably. Perhaps unconsciously we have been led into certain habits of thinking which may end disastrously unless we can desist from artificial stimulation and lead city planning into a more logical, orderly and natural course once more.

At the present moment our cities are faced with a double barreled problem—mass transportation and the ever increasing individual transportation units which clog our streets and make our traffic congestion worse. The automobile now contests the surface of the street with the street car, and popular sentiment in many places demands that the street car give way and go underground or overhead. Automobile owners and drivers suggest that it would be a fine thing to take the street car off the streets and the street car rider is easily convinced that such a solution will shorten the time between the city and his home. Business interests who want bigger and bigger crowds downtown—who see in congestion not an evil but a great good—become the natural leadership in this seemingly natural and normal solution, the building of rapid transit facilities in subways.

Thus our congestion problem becomes at one stage the rapid transit problem and our engineers in many cities are submitting comprehensive subway and elevated plans to city councils and traffic commissions. Los Angeles, at the present moment, is a case in point and illustrates rather completely the psychology above referred to.

THE SITUATION IN LOS ANGELES

Los Angeles has an incorporated area of more than four hundred square miles. Within a radius of six or seven miles its population density is still considerably less than that of the entire Chicago or Philadelphia district. It is basically a "single-family dwelling" city although apartment houses and flats are being built rapidly—too rapidly according to local occupation studies. The population is probably well over a million. The downtown streets are comparatively narrow and in one area badly handicapped by "Bunker Hill." It has a rapid transit system to the suburban cities, the Pacific Electric, which uses the streets to reach its terminals. Moreover it has the greatest density of automobile use of any population in America. The in-and-out count of motor vehicles, according to a recent survey, is very substantially heavier than in Chicago. Transcontinental trains enter the city at grade, and one street is used longitudinally by the Southern Pacific. The city lies between such areas as Pasadena, for instance, and the beach towns. During the rush hours street car transportation is slow, cars are crowded and sidewalks are choked.

To meet the situation thus roughly described, Kelker, DeLeuw and Company of Chicago have proposed a comprehensive plan of rapid transit and street car operation. This plan contemplates unified operation of all lines within the city, certain subways and elevateds and their financing by the city at large, the property benefited, and the car riders in a proportion to be agreed upon.

The argument for this or some other comprehensive plan is conclusive to many minds. It runs as follows: we stand in street cars miserably crowded; streets are so choked that we could not use more cars if we had them; our streets are narrow and since it is too costly to widen them, let us create new streets under or over; we need comfort, speed and economy in transportation and we can get it by "mass transportation." From this point the argument becomes prophetic. The orderly development of the city requires the extension and expansion of present transportation facilities and the construction of rapid transit; the population needs spreading out, and rapid transit will turn the trick; since the rider cannot pay what the service will cost, the public must help finance the program in the interest of a great public benefit; high-speed operation is concurrent with the growth of great cities and is a sign of progress; we must begin soon or we never can catch up with the demand; the putting off of rapid transit construction will make this an intolerable city to live in.

BASIC ASSUMPTION QUESTIONED

A careful study of this whole argument will show that it proceeds upon assumptions which many will question.

Is it inevitable or basically sound or desirable that larger and larger crowds be brought into the city's center; do we want to stimulate housing congestion along subway lines and develop an intensive rather than an extensive city; will rapid transit spread the population anywhere except along the new right of way; is it ultimately desirable to have an area of abnormally high land values with its consequent demand for the removal of building height restrictions; must all large business, professional and financial operations be conducted in a restricted area; must the worker be transported through the heart of the city to get to his work; as a matter of fact are not all of these assumptions, which were controlling in the past generation, being severely arraigned by thoughtful students?

A glance at the trend of the times reveals other tendencies. In an era of centralization business itself is seeking outlets away from the central areas. Decentralization is not the word to use for this tendency, but for the purposes of this argument it will answer in so far as location is concerned. Branch banks are going out to the people, factories are seeking outside locations, neighborhood theaters are springing up all over the city and retail merchants are building, or have established or are contemplating, branch stores in outlying locations. Chain provision and drug stores are giving outside residents the advantage which traditionally is possible only in the department store.

The Kelker-DeLeuw report for Los Angeles was carefully studied by a committee of the Los Angeles City Club. This committee came to certain conclusions as to the fundamentals involved in our rapid transit and traffic problems. It found that Amcrican experience shows that rapid transit increases rather than relieves congestion. Moreover such transit where subways are involved has not been a self-supporting venture. Thus the public pays for increasing its own congestion and multiplying its own problems. It involves a vicious circle of pedestrian counts to increase rental values, to raise building heights, to make room for more people to raise land values *ad infinitum.* The committee pointed out that cheap power, the universal use of the telephone, and the automobile are all subsequent to the development of American rapid transit systems and each has affected communication fundamentally. Traditional solutions must therefore be examined with great care. It suggested further that the city of the future ought to be an harmoniously developed community of local centers and garden cities in which the need for rapid transportation over long distances will be reduced to a minimum.

It found that only six per cent of the vehicles on the Los Angeles streets are street cars and that vehicular traffic is increasing. It ventured the assertion, therefore, that, in spite of any subway development, our vehicular congestion can only be solved by traffic regulation. Downtown streets no matter what their width probably will always be used to their capacity, for traffic will increase to the saturation point no matter what facilities are provided.

The committee took its stand for the elimination of all grade crossings and the taking of the interurban cars from the streets by the building of adequate elongated interurban terminals. It asked for a rerouting of the local street cars so that certain streets might be relieved of unnecessary traffic burdens. It insisted on more stringent parking regulations and recommended a serious study of the bus as a public transportation unit. As a general conclusion the committee declared that Los Angeles should not—and certainly not at the present time—undertake any subway construction or rapid transit facility within the six- or seven-mile circle. It should perfect its interurban facilities, however, and work out its street and viaduct plans with all possible speed. It took its stand for a natural, normal and healthful expansion of the business district without the artificial stimulation which comes with the subway. Put in terms of conflicting interests the committee defended the outside business center idea as against the downtown theory. And it emphatically pointed out that there is no solution or cure for the rapid transit difficulty. Every attempt to cure brings on an aggravated case of the disease to be cured. One rapid transit line calls for a mate to help it out almost as soon as it begins to operate. It is inevitably thus; therefore why begin, particularly if there is adequate territory to care for a constantly growing population.

RAPID TRANSIT AND CONGESTION RELIEF

With this committee report the writer heartily agrees. The history of rapid transit development in American cities carries with it its warning to Los Angeles. The chief argument for rapid transit—congestion relief—is a delusion and a snare as far as sound city planning is concerned. A population can be spread out without rapid transit or street car facilities. The private automobile and the bus have turned the trick so far as transportation is concerned. The development of the motor truck and the availability of electric power for manufacturing will continue to decentralize the industrial district. There can be developed in the Los Angeles area a great city population which for the most part lives near its work, has its individual lawns and gardens, finds its market and commercialized recreational facilities right around the corner and which because of these things can develop a neighborhood with all that it means.

Under such conditions city life will not only be tolerable but delightful—infinitely more desirable and wholesome than the sort induced and superinduced by the artificially stimulated population center which constantly must reach higher and higher into the air for light, air and a chance to see the sun. It will be a city in which children will not be discriminated against.

The problem here under discussion has had some attention from the White House. In a recent address in which he discussed congestion, high buildings, transit and traffic, President Coolidge said:

> It must be said that thus far the victories have all been on the side of the skyscrapers, the elevators and the ever-increasing congestion of population. Many difficult and costly readjustments must be made. There is need for concentrated, fundamental and courageous consideration of all the questions involved. They reach a hundred times deeper than the more superficial problem of getting streams of motor cars through city streets. They have to do with the elements of social organization. They concern vital phases of community welfare and progress.

NEW YORK COUNTY GOVERNMENT ARCHAIC

BY ALFRED E. SMITH[1]

Governor of New York

Governor Smith tells why and where county government breaks down; suggests a county manager. Practically no change in New York since the English took control from the Dutch! :: :: ::

New York has made an excellent start toward the establishment of state government on a sound basis. We ought now to give our attention to the problems of county, town and local government, and to see that we rebuild and modernize a machine which is over two hundred years old.

There is nothing new in this subject. A special committee of the constitutional convention of 1915 devoted considerable time to this problem. It concluded that the single, rigid type of county government existing in this state without change for over two centuries and frozen into the state constitution was entirely obsolete. The constitutional convention said that the conditions were worst in the more populous counties, where modern conditions of housing, transportation, welfare, justice and public improvements had put an intolerable strain upon a framework of government based on county, town and village conditions of two hundred years ago. The constitutional convention concluded that an amendment to the constitution was necessary to bring about any improvement and the amendment which was incorporated in the proposed new constitution provided that the legislature might classify counties and set up different types of government for different classes of counties, but that no new form of government should be imposed upon a county without its approval. The convention also favored county home rule by providing that no local laws affecting a county should be adopted excepting upon the request of the county authorities. After the failure of the constitution of 1915 the counties of Nassau and Westchester made active efforts to bring about amendments to the constitution which would enable them to modernize their forms of government. Both of these counties appointed charter commissions and after many years of agitation a special amendment affecting these two counties only was adopted by the people in 1921. Since then charters have been submitted to the voters of both of these counties and disapproved, and new charters are about to be submitted again with amendments calculated to make them more acceptable to the electorate. It should be noted that in both of these counties, especially in Westchester, although there have been differences of opinion as to the new forms of government, intelligent people generally agree that the existing forms cannot stand up much longer under the pressure of present-day conditions.

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[1] Excerpts from the governor's special message to the legislature urging that the Hughes' Commission be authorized to study county government.

LOCAL GOVERNMENT THE SAME SINCE 1676

From 1921 to 1923 a special joint committee on taxation and retrenchment of the legislature made a study of the tax and government problems of this state. This committee, under the chairmanship of Senator Davenport, made a very thorough study of county, town and village government, and submitted to the legislature of 1923 a report which concluded that they were costly, wasteful and obsolete and that they needed complete reorganization. It pointed out that most of the aspects of these local governments had not been altered since the provincial government of New York was established after the Dutch were driven out in 1664. In other words, we are living today as far as county and town government are concerned under the laws promulgated by the Duke of York in 1676. Town officers elected today are almost without exception the same town officers who were elected before 1700. The only change made since then in town government has been the authorization to create special districts for special purposes, such as sewers, fires, sidewalks, etc., and even these districts were created without any understanding of the results which would follow because they overlap one on the other and set up within one township all sorts of overlapping special governments and special tax districts. It was not until 1925 that the old bridges maintained by the towns on state highways were taken over by the state.

The special joint committee also referred to the fact that many town functions should be transferred to the county. It called attention to the inadequate highways and roads which are being built by the towns, the fact that numerous justices of the peace without legal training are attempting to administer justice in large communities without any training or qualification for this work and at the same time sitting as members of the town board in an administrative capacity. The committee showed how hopelessly out of date are the elected town constables and coroners. The ineffectiveness of small, scattered and overlapping health districts was referred to and the impossibility of securing competent health officials for such small districts on part time and for inadequate compensation. It was shown that the charity and poor law system had broken down in the larger counties. Particular attention was drawn to the great difference in the conditions of life and government in the various counties of the state, some being primarily urban and suburban or built around one large city, and others being rural and having only a few small cities or large villages, still others being entirely rural or forest counties of scattered population in which conditions today are not unlike those in the time when county and town government was first established.

COUNTIES WITHIN NEW YORK CITY USELESS

The committee on taxation and retrenchment did not include the counties within New York City in its study but every agency, official and unofficial, which has studied these counties agrees that there is no need of the elaborate, independent governments within the city of New York which have been set up by the five counties. As a matter of fact, the city government should have complete control over these counties and this should have been provided in the home rule amendment.

It is interesting to note in connection with the general agreement as to what is wrong with our county government that these conclusions have been reached irrespective of politics. Republicans and Democrats in the constitutional convention of 1915 agreed on it. The Republicans and the Democrats on the special committee on taxation and retrenchment agreed on the subject. Governor Miller in his message to the legislature of 1922 said that the county government amendment applying to Westchester and Nassau was needed in every county of the state.

STATE HEADS COMPLAIN

There are further evidences on this subject. Heads of departments in the state government have repeatedly called my attention to all sorts of defects in county, town and village government and have stated that it is the weakest, most ineffective and most wasteful part of the whole government machinery. The health commissioner has frequently complained about the inadequate small health districts of the villages and towns and has stated that there should be a county health unit. Practically all of the health experts and organizations agree with him. The charity and welfare authorities make similar complaints. The public works and highway authorities tell me that the town roads are a disgrace, that they cannot possibly stand up under the pounding of present-day traffic and that a good part of the state aid given to the towns is thrown away. They point to the town bridges on state highways recently taken over by the state as an illustration of what happens when a matter which has become regional or state-wide is left to local people with inadequate funds and local ideas of economy to take care of. Members of the bar, especially in the larger and more populous counties, have repeatedly stated that the present justice of the peace system under which a county like Westchester has 76 lay justices is a farce in these days. It was all right and may to-day still be useful in very thinly settled counties where there are few cases and few lawyers, and where a local man of standing, even if he has no legal training, can well take care of the small matters that come up from day to day. In the larger counties, with complicated problems and plenty of people trained in the law and with the factor of distance completely minimized by modern conditions of travel, a small, full-time circuit court of real judges is the obvious remedy.

LOCAL TAX SYSTEM A JOKE

The members of the tax commission and tax experts unanimously agree that our local tax system in the towns, counties and villages is a good deal of a joke. The county and town tax system, which also provides for the state and school tax and the tax for special districts is unscientific, inequitable and wasteful, where it is not worse. Numerous part-time, unqualified tax collectors with all kinds of views as to assessment are attempting to assess property of tremendous value without any proper central county control. The village tax system, which is entirely independent of the county and town system, is often based on totally different theories of assessment and the actual assessments for a single piece of property by a village and by the town in which it is located often vary greatly. Similarly tax authorities point out that local tax collections should be consolidated and proper records maintained. It is certainly a ridiculous thing that in order to change the present system under which there are three elected town assessors and to substitute a single paid town assessor, or a county board of assessors, it is necessary to amend the state constitution. One of the most ridiculous things in government is to read the reports of the state tax commission and find that local tax assessors, who are required by law to assess for full value and to take an oath that they have done so, actually assess in many cases for 20 and 30 per cent of the value, with the result that in the more obvious cases which can be discovered, the state tax commission has to attempt to make the necessary readjustments. It appears that the manual of instructions for assessors issued by the state tax department is a good deal of a joke to the local town and village assessors. The joint committee on taxation and retrenchment in 1923 pointed out one interesting case of a village which had grown little in population or improvement and in two years increased its assessments from less than $100,000 to over $1,700,000. The reasons for the increase are not known. The interesting fact is that in the same two years the town assessments for an area vastly greater and including the village, remained stationary at about $1,000,000. It is also an interesting fact that practically all tax authorities agree that city assessments are fairly scientifically and accurately made and are based on a substantial percentage of true value.

NO PROPER COUNTY EXECUTIVE

Every student who has ever given this problem any consideration at all agrees that there must be some kind of a proper county executive, whether it be an elected county president, or a county manager serving under a small county board. The county boards of supervisors in this state in most cases have entirely too many members. Some of them have over fifty. How can a board of supervisors of sixty, or fifty, or even thirty members carry on the executive work of a county? The county supervisors are elected from towns and wards and none of them represent the county as a whole. This mixing up of legislative and executive functions has never been successful anywhere. It is agreed that many town functions must be transferred to the county and that a reasonably long term for the executive should be established. It is also agreed that the same changes which are now being made in the state government looking to the consolidation of departments, appointment of department heads by the county executive, reduction in the number of elective offices and a real county budget system are essential in all of the large and growing counties of the state.

IMMEDIATE ECONOMY NOT THE GREATEST GAIN

There is a growing conviction that there are too many counties and that there are certain counties which should be consolidated. It has also been repeatedly recommended that counties should co-operate in the administration of certain joint enterprises, such as tuberculosis hospitals, county jails or farms, etc. Most of the recommendations previously made for the improvement of county government have laid emphasis on immediate economy, that is, savings through internal reorganization or consolidation. I think this is unfortunate. The economies to be obtained in this way are the great ultimate economies, not to be measured in immediate cuts in the budget. They are the economies which result from making plans in advance and from having the right kind of organization to carry them out. They are the savings which result from preventing ultimate waste. I am much more interested in seeing the local government of this state organized to meet the problems of the future than I am to show that through some recommendation of mine there may be a saving of a few hundred dollars in jobs or in purchasing supplies, desirable as these economies may be.

AERIAL PHOTOGRAPHS AID TAX ASSESSORS

BY SHERMAN M. FAIRCHILD

How a new art can facilitate the making of tax maps which are indispensable to fair assessments. :: :: :: :: :: ::

It is an old and universally accepted statement that in this world but two things are certain; these are death and taxes. They both affect the Average Citizen; and toward both, in one way, his attitude is the same: he pays the least possible tribute to both. While the accomplishments of medical and sanitary science of the past fifty years have enabled our Average Citizen to increase his span of years, yet often is this increase only a longer continued period of worry and fret due to the close margin between what money he earns and what he pays out. Of the money he spends, a not inconsiderable amount goes toward the guaranteeing of his life, liberty and the right to pursue happiness—in other words, for taxation. Even the transient laborer pays his share of taxes; everything he purchases has a tax burden included within its price. But the science of an equable distribution of the tax burden has not kept pace with the advance of other sciences; and it is the purpose of this article to show how certain communities have increased their ability to furnish the Average Citizen with the things that make for his safety and comfort and still demand of him a smaller portion of his earnings.

For more than three years the increase in value of Florida real estate, and the consequent increase in the number of owners of such real estate, has held the attention of the whole United States. As was the case when similar conditions prevailed in California, this phenomenal growth in values has tended to obscure the fact that practically all properties in the United States are increasing in value. Individual ownerships are becoming smaller and consequently the number of holdings is becoming larger. These features are most noted in the metropolitan areas of the larger cities of the United States. One of the most prominent real estate operators of New Jersey recently offered to wager $1,000 that he could show statistics which would duplicate, in his own county, those of the Florida boom.

With this increase in value of property has come an increase in the standard of living in this country. The standard of living does not necessarily refer only to those things which make for greater creature comfort, but also to those things which make for better transportation facilities in the shape of better highways, for better sanitary conditions, and for more beautiful surroundings. The result of this has been that municipalities particularly have been called upon to expend more and more money on improvements. In order to spend more money the municipality must collect more from its citizens or borrow money from them or others. Unfortunately the latter course has too frequently been followed. Under the system of property assessment generally in vogue at present, increase in revenues from taxes has generally resulted in an increase in the tax rate; and superficially it would appear that this statement comprehends all that can be said about the situation. However, if we cannot pass over or through this obstacle we may go around it. We may make certain that all citizens are paying their fair share of the tax burden.

ASSESSMENT LISTS MUST BE COMPLETE

In order that taxes may be assessed against every property holder we must know that our lists of property holders are complete. With the rapidly changing ownerships, and the subdivision of large parcels into small ones, at present the rule in the United States, the tax authorities are facing the difficult and rather expensive problem of keeping their information up to date by means of perpetual observations and search of records and by direct inspection of properties where they are located. While it is obvious that only a direct inspection by a person trained in the science can determine the value of taxable property, it is also obvious that the first requisite in the determination of the value of the property holdings is a good map. Given two pieces of property indentical in size, and bearing thereon identical buildings, used for identical purposes and having equal frontages upon streets that are similar in every physical respect, that is, width and quality of pavement, etc., yet one of these properties may exceed the other in value by many times because the surroundings for a radius of many miles may be so different in the case of the one property with respect to those of the other.

With a sufficient expenditure of money and given sufficient time, the most perfect possible map can be produced by tax authorities for their use in equalizing the tax burden. But here there is a vicious circle; the tax authorities have not the money available because the revenue at present yielded is not sufficient to cover the cost of such an investigation, and if the money were available to cover this cost it would probably be the case that such an investigation would not be imperative. In the thickly settled portions of Europe, the land has been held in ownership for so many hundreds of years that all lines are fairly well defined and all the ground has been repeatedly and well mapped; but in the United States it is probably safe to say that most of the land whose density of population even remotely compares with that of Europe has been held in ownership on an average of probably less than fifty years. The growth of population, commerce and industry has far outstripped the production of accurate, detailed maps. Engineering science has, however, within the last five years provided us with a practical and cheap instrument for the accurate recordation in the form of easily read maps of details of the ground and all things thereon of size enough to be of importance.

AERIAL PHOTOGRAPHS AS MAPS

Aerial photographs are now so common as to excite no more than passing interest, but it is only within the last few years that a practical technique for correlating the disclosure of aerial photographs to human needs has been developed. One of the most striking and most effective uses of the aerial photograph has been developed only within the past two years and it may be safely said that only within the past year has this development reached the stage where the applicability of its technique may be considered universal. This is the use of aerial photographs in tax assessment work.

So much has been said regarding vertical aerial photographs, what they can do and what they cannot do, what they are and what they are not, that more space need not be devoted here to a description of them. With very few exceptions it is recognized by all persons at all familiar with them that they form the basis for the most perfect sort of a scale map, in that they record distances between, and characteristics of, all objects exposed to the light at the time they are made.

It is, however, important to bear in mind certain things necessary in the securing of the original exposures for this work. These original exposures should be made as large as possible in order to record as much detail as possible. Standard aerial photographic film is about 9½″ wide and 75′ long yielding single pictures 7″ x 9″. The original exposures should be made with the flexible film pressed perfectly flat and should have recorded in the center thereof the image of a small cross, so that at all times where the country is a little rough reference may be had to this cross for purposes of any slight correction of displacement due to relief of the ground. These exposures when taken cannot be thrown away. They must be saved for further use; and it is advisable that they be made on film in order that there be no breakage and thus destruction of them.

ADVANTAGES OVER OLD METHOD

Aerial photography as applied to mapping has three advantages over old instruments and methods. First, a given area can be covered in a very small fraction of the time; second, a given area can be covered at a small fraction of the expense formerly required; and third, what it portrays is portrayed with absolute fidelity, in that error due to the human element is lacking in the accumulation of the data it records. It has often been urged, however, that an aerial photograph is only a picture; that it has not, for instance, the names of streets, the names of property owners, the types of buildings and occupancy designated thereon, and a number of other things that are shown on the usual detail map. This is true, but the total cost of securing aerial photographs in the first place and then by direct inspection adding such data to them is still but a fraction of the cost of securing such data by old methods. It may be noted in passing that even when the surveyor, or a man intent upon correcting an old map, takes an old map no matter how perfect into the field with him, he must place on that map not merely the description of things that are not shown thereon but also certain marks or lines or sketches which are conventions representing objections themselves, while with the aerial photograph as a plan to take into the field all that is needed in the way of interpolation is data concerning objects.

PROCEDURE FOLLOWED

The following is the procedure which has been found to be peculiarly adapted to tax assessment studies. Aerial photographs are taken of farming districts and fairly open suburban areas in such a way and at such a height that contact prints from the negatives of these aerial photographs show a scale of about 1″ equals 800′. Densely built up areas are so photographed that contact prints show a scale of approximately 1″ equals 400′. Enlargements are then made of a section of the original negative, such a section being usually about 4″ x 5″ and technically known as the "heart" of the negative. While the variations in the scale due to relief in even rather rough ground are not so great as to invalidate the use of the photograph as a true scale or plan, still it is desirable to have as much of the photograph as possible scale some predetermined feet per inch. The usual plan is to make the enlargement so that it scales as desired on some one horizontal plane which will most closely approximate the terrain in which the user is interested. These enlargements are about 30″ x 40″ in size and are on black and white double weight photographic paper of a finish that will show pencil marks. The contact prints, size 7″ x 9″, are for field use and usually are placed in the hands of students or junior engineers who use them on location, designating all boundary lines of property parcels on the prints in yellow pencil.

SOME PRACTICAL RESULTS

On the large scale enlargements as a base the appraisal expert transfers all these property lines and so letters each enlargement that it is a complete layout map of the properties covered thereby. It is of interest here to quote the figures made public by the Middletown *Press* of Middletown, Connecticut, on February 27, 1925: 1,896 pieces of city property had been omitted from previous assessment list. The grand list recorded (before re-appraisal) 3,028 dwellings; aerial photographs proved the existence of 3,251; 223 had escaped taxation and thus unjustly burdened the city taxpayers. The grand list recorded 1,551 barns, sheds and private garages; aerial photographs showed 2,902; 1,351 had escaped taxation. The grand list recorded 111 stores, shops and public garages; aerial photographs showed 281; 170 had escaped taxation. On Main Street out of 248 pieces of property, 49 were omitted from the list. In Middletown the grand list was raised from $20,500,000 to $31,500,000 and the tax rate lowered from $30 to $24 per thousand. The grand list in East Haven, Connecticut, was raised from $6,900,000 to $13,170,000 and the rate lowered from $28.50 to $15 per thousand. In Manchester, Connecticut, the grand list was raised from $35,000,000 to $52,000,000 and the rate lowered from $18 to $12 per thousand. Berlin, Connecticut, grand list raised from $3,900,000 to $7,640,000 and the rate lowered from $25 to $15 per thousand. A further comparison may be of interest. A re-appraisal study was made of New Britain, Connecticut, area 13 square miles by the old survey method. It took four years to make the maps and cost $60,000. A similar study was made of Middletown, Connecticut, area 43 square miles, by means of aerial photographs. To make the maps took but sixty days and cost $7,000.

Every use made of aerial photographs in tax assessment studies has shown similar results. It is, therefore, apparent that a most wonderful new method and instrument is available for the relief of communities overburdened by taxes.

Once an area is covered by aerial photographs their use is not restricted to re-appraisal studies. They can be made up to serve the city engineer and the planning commission and the zoning board as a map; and therefore help bear the burden of their original cost.

It must be noted that the above outlined method brings about that greatly to be desired condition, namely, *tax equalization*, and also writes off its own cost.

In summary, it has been definitely proven that the aerial photographic method in preparing maps for tax assessment studies is eminently practical; and there is no questioning the fact that the recordation of ground detail by means of aerial photographs markedly surpasses the older methods in accuracy, speed and cost.

AN ADVANCE IN PLANNING LEGISLATION

BY FRANK B. WILLIAMS

Associate Editor, National Municipal Review

New laws give city planning commissions in New York State added powers to preserve the integrity of city plans. :: :: :: ::

Actively supported by a committee representing twenty-two Westchester county municipalities and the Mayors Conference of the state, two laws[1] have just been passed in New York whose purpose it is to grant local governments all the powers necessary for effective planning. In so doing it has been necessary to give these communities generally certain powers long possessed by a few of them; to surmount certain difficulties never before satisfactorily dealt with, employing, for the purpose, methods found to be effective and legal in other connections; and to correlate and harmonize powers in order to make them more efficacious.

WHAT THE LAWS PROVIDE

The new acts are laws of 1926 chapter 690, applying to cities, and chapter 719, applying to incorporated villages. They are state wide empowering acts. Any city or village in the state, therefore, may make use of them in so far as it sees fit, but no community is compelled to give up any of its old methods and adopt new ones. A similar law for towns was introduced in the legislature but was not pressed for passage at this time. In brief these laws:

(1) Contemplate that a planning board, established by the legislative authorities of the municipality, shall prepare a master plan showing present and future streets and parks, the same not to be binding in any way but merely to serve as a guide for comprehensive planning.

(2) Contemplate and empower the legislative authorities of every city and village to establish an official map of streets and parks. Main thoroughfares will be early determined for outlying districts. Later the secondary streets will be filled in through co-operation with the land owners.

(3) Require the legislative authorities to consult the planning board before they lay out streets or parks on the official map, or make changes therein. This secures careful and comprehensive planning.

(4) Prevent the issue of permits for buildings on streets not on the official map, supplying, however, adequate safeguards for exceptional cases.

(5) Prevent the issue of permits for buildings in the beds of streets shown on the official map, supplying, however, adequate safeguards for exceptional cases. This preserves the integrity of the city plan.

(6) Prevent the filing of plats containing new streets without the written approval of the planning board. Such new streets then become part of the official map. This stops the erection of buildings on misfit private developments, and thus stops misfit street layouts.

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[1] Based upon a model act to be found in a pamphlet issued by the Regional Plan of New York and Its Environs, 130 East 22nd Street, New York City, entitled "Planning of Unbuilt Areas in the New York Region—a Form of State Enabling Act with Annotations," by Edward M. Bassett.

(7) Permit the planning board in proper cases to lessen street widths shown in plats and in lieu thereof set aside playgrounds.

(8) Permit the planning board to accommodate developers in making reasonable zoning changes for their plats.

The city and the village laws are identical in purpose, and practically identical in wording. The methods by which the city law given in full at the end of this article obtains the above results are, briefly, the following:

STRONG CONTROL OVER PLATS AND MAPPED STREETS

The city is authorized to appoint a planning commission, with power to make a master plan of all the features of the city essential to its development. An important part of such a plan is the system of streets and parks. Such a plan the city legislature is empowered to adopt or "establish," thus laying out the streets and parks. This *planning* lay-out must not be confused with the acquisition of the land and the construction of the street or park, sometimes referred to as a lay-out of these features; the object and result of the planning lay-out of these features is merely to make it sure that when the city does acquire the land and do the work for this purpose, it shall be according to plan, except, of course, in so far as the plan is formally and deliberately changed.

The building inspector in the new law is forbidden to issue a permit for a building unless it is served by a street; or for a building in the bed of a mapped street; but on appeal to a board of appeals, the applicant can in exceptional cases obtain a permit, subject to such conditions as will safeguard the interests of the city. The prohibition prevents the land owner from disregarding the city plan and making it a nullity; the appeal eliminates the injustice in exceptional cases, so that in no case shall the land owner be wronged.

The reader will notice that under this law the exceptional case in planning is dealt with in the same way as in zoning. It is the task of both planning and zoning to regulate the subdivision of land with its infinite variety of contour, situation and previous development, and the construction upon lots of a wide range of value, so produced, of buildings for all sorts of uses. In these subjects it is not the law that creates the exceptions; they exist in the nature of things and no general rules, however fully expressed, can abolish them. All that can be done is to provide a mechanism for recognizing the exception when it arises, and treating it justly. This can be accomplished only by lodging discretionary power with some authority; in which case there must be an opportunity for a court review, to remedy any possible misuse of this discretion.

REASONABLE RESERVATIONS FOR OPEN SPACES

In approving plats the planning board is authorized to require the subdivider to make a reasonable reservation of land for small parks or playgrounds. The more intelligent realtor recognizes the fact that such a reservation almost invariably increases the value of the remainder of his tract more than sufficiently to pay for the land set aside. It cannot be said, however, that this is necessarily true in all cases; much less that any fixed ratio can be demanded. If—to give one of many possible illustrations—the developer lays out his tract with broad streets and wide deep lots, it is evident that there is less need of public open space, and it may be claimed that no such spaces are essential. Here again no general rules that are just and expedient and therefore valid in law, can be laid down; the only method of obtaining justice being to give discretion, subject to court review.

In approving plats the planning board is in fact planning the undeveloped parts of the community in detail, subject to the general city plan. The new law gives the board the power to vary, within fixed limits, the zoning ordinance of the city, thus authorizing it to zone these parts of the community subject to the general zoning regulations. Planning and zoning are a part of the same general subject, and the best results can be obtained only by treating them as such. This is especially true in the undeveloped portions of the community, where there is room for give and take, so useful where the possible solutions of problems are many.

The new law gives planning boards considerably greater power than they have heretofore had. It is to some extent capable of abuse, as it is of use to the public advantage. A liberal grant of power is always subject to misuse; but it is only by granting ample powers to our administrators that we can expect to obtain results of value. On analysis, however, it will be found that in every case the city council can undo the wrongs committed by its planning board. It may be expected, therefore, that the acts of the board will remain in force except in the rare cases of gross abuse.

Fundamental in these laws is the principle that in this age of complexity and ever increasing mass of detail, administration must more and more be committed to administrative boards subject to court review. This principle, applied successfully to such subjects as the fixing of rates of public utilities and the securing of safety and proper working conditions for labor, is equally applicable to planning and zoning.

The text of the law applying to cities follows in full.

AN ACT[1]

To amend the general city law, in relation to official maps and planning boards.

Section 1. Chapter twenty-six of the law of nineteen hundred and nine, entitled "An act in relation to cities, constituting chapter twenty-one of the consolidated laws," is hereby amended by adding thereto a new article, to be article three, to read as follows:

ARTICLE 3

Sect. 26. Official map, establishment.
27. Planning board, creation and appointment.
28. Planning board, officers, employees and expenses.
29. Official map, changes.
30. Planning board, reports on matters referred to it.
31. Planning board, general reports.
32. Approval of plats.
33. Approval of plats, additional requisites.
34. Record of plats.
35. Permits for buildings in bed of mapped streets.
36. Municipal improvements in streets; buildings not on mapped streets.
37. Planning board, changes in zoning regulations.
38. Boards of appeal.

§26. Official map, establishment. Every city by ordinance or resolution of the legislative body which has the authority to lay out, adopt and establish streets, highways and parks may establish an official map or plan of the city showing the streets, highways and parks theretofore laid out, adopted and established by law, and such map or plan is to be deemed to be final and conclusive with respect to the location and width of streets and highways and the location of parks shown thereon. Such official map or plan is hereby declared to be established to conserve and promote the public health, safety and general welfare. Said ordinance or resolution shall make it the duty of some appropriate official or employee of said city at once to file with the clerk or register of the county or counties in which said city is situated a certificate showing that the city has established an official map or plan.

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[1] New York Statutes 1926, Chapter 690.

§27. Planning board, creation and appointment. Such legislative body of each city is hereby authorized and empowered to create by resolution or ordinance a planning board of five members to be appointed by the mayor with authority to remove any member of such board for cause and after public hearing. Of the members of the board first appointed, one shall hold office for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, one for the term of five years, from and after his appointment. Their successors shall be appointed for the term of five years from and after the expiration of the term of their predecessors in office. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term. In any city in which there is a planning commission created in accordance with article twelve-a of the general municipal law the ordinance or resolution instead of providing for the appointment of a new planning commission or board may provide that the existing commission shall continue, the members thereof thereafter to be appointed in accordance with the provisions of said article twelve-a, with the powers and duties as specified for a planning board appointed as provided in this article in addition to the powers and duties as specified in said article twelve-a; provided, however, that in any such city section two hundred and thirty-eight of the general municipal law shall not be in force.

§28. Planning board, officers, employees and expenses. The mayor shall designate the member of said planning board to act as chairman thereof; or on his failure so to do, the planning board shall elect a chairman from its own members. It shall have the power and authority to employ experts and a staff, and to pay for their services and such other expenses as may be necessary and proper, not exceeding, in all, the appropriation that may be made for such board. Each city is hereby authorized and empowered to make such appropriation as it may see fit for such expenses, such appropriation to be made by those officers or bodies having charge of the appropriation of the public funds.

§29. Official map, changes. Such legislative body is authorized and empowered, whenever and as often as it may deem it for the public interest, to change or add to the official map or plan of the city so as to lay out new streets, highways or parks, or to widen or close existing streets, highways or parks. At least ten days' notice of a public hearing on any proposed action with reference to such change in the official map or plan shall be published in an official publication of said city or in a newspaper of general circulation therein. Before making such addition or change the matter shall be referred to the planning board for report thereon, but if the planning board shall not make its report within thirty days of such reference, it shall forfeit the right further to suspend action. Such additions and changes when adopted shall become a part of the official map or plan of the city, and shall be deemed to be final and conclusive with respect to the location of the streets, highways and parks shown thereon.

The lay-out, widening or closing, or the approval of the lay-out, widening or closing of streets, highways or parks by the city under provisions of law other than those contained in this article shall be deemed to be a change or addition to the official map or plan, and shall be subject to all the provisions of this article.

§30. Planning board, reports on matters referred to it. The body creating such planning board may by general or special rule provide for the reference of any matter or class of matters to the planning board before final action thereon by the public body or officer of said city having final authority thereon with or without the provision that final action thereon shall not be taken until said planning board has submitted its report thereon or has had a reasonable time to be fixed in said rule to submit the report.

§31. Planning board, general reports. The planning board shall have full power and authority to make such investigations, maps and reports and recommendations in connection therewith relating to the planning and development of the city as to it seems desirable providing the total expenditures of said board shall not exceed the appropriation for its expenses.

§32. Approval of plats. The body creating such planning board may by ordinance or resolution authorize and empower the planning board to approve plats showing new streets or highways. Before such approval is given, a public hearing shall be held by the planning board which hearing shall be advertised in an official paper or in a newspaper of general circulation in said city at least ten days before such hearing. The planning board may thereupon approve, modify and approve, or disapprove such plat. The approval required by this section or the refusal to approve shall take place within forty-five days from and after the time of the submission of the plat for approval; otherwise such plat shall be deemed to have been approved, and the certificate of such city as to the date of the submission of the plat for approval and the failure to take action thereon within such time, shall be issued on demand and shall be sufficient in lieu of the written endorsement or rather evidence of approval herein required. The ground of refusal of approval of any plat submitted shall be stated upon the records of such planning board.

The ordinance or resolution authorizing the planning board to approve plats shall make it the duty of some appropriate official or employee of said city to file with the clerk or register of the county or counties in which said city is situated a certificate showing that said planning board has been so authorized and shall specify the officer or employee of said city who shall issue in its behalf the certificate of failure to take action as aforesaid.

§33. Approval of plats, additional requisites. Before the approval by the planning board of a plat showing a new street or highway, such plat shall also in proper cases show a park or parks suitably located for playground or other recreation purposes. In approving such plats the planning board shall require that the streets and highways shall be of sufficient width and suitably located to accommodate the prospective traffic and to afford adequate light, air and access of fire-fighting equipment to buildings, and to be co-ordinated so as to compose a convenient system; that the land shown on such plats shall be provided with proper sanitary and drainage conditions; and that the parks shall be of reasonable size for neighborhood playgrounds or other recreation uses. In making such determination regarding streets, highways and parks the planning board shall take into consideration the prospective character of the development, whether dense residence, open residence, business or industrial.

§34. Record of plats. No plat of a subdivision of land showing a new street or highway shall be filed or recorded in the office of the county clerk or registrar until it has been approved by a planning board which has been empowered to approve such plats, and such approval be endorsed in writing on the plat in such manner as the planning board may designate. After such plat is approved and filed, subject, however, to review by court as hereinafter provided, the streets, highways and parks shown on such plat shall be and become a part of the official map or plan of the city. The owner of the land or his agent who files the plat may add as part of the plat a notation if he so desires to the effect that no offer of dedication of such street, highways, or parks or any of them is made to the public.

In so far as provisions of law other than those contained in this article, require the approval of a plat, map or plan of land by the authority of the city, as a prerequisite of its record, or allow it to be recorded on failure of the city to approve or disapprove of the same within a given time, said provisions shall not be in force in so far as they apply to plats, maps or plans of land within the limits of any city which has established an official map or plan and authorized a planning board appointed by it to approve plats of land within said city showing new streets and highways, under this article.

§35. Permits for building in bed of mapped streets. For the purpose of preserving the integrity of such official map or plan no permit shall hereafter be issued for any building in the bed of any street or highway shown or laid out on such map or plan, provided, however, that if the land within such mapped street or highway is not yielding a fair return on its value to the owner, the board of appeals or other similar board in any city which has established such a board having power to make variances or exception in zoning regulations shall have power in a specific case by the vote of a majority of its members to grant a permit for a building in such street or highway which will as little as practicable increase the cost of opening such street or highway, or tend to cause a change of such official map or plan, and such board may impose reasonable requirements as a condition of granting such permit, which requirements shall inure to the benefit of the city. Before taking any action authorized in this section, the board of appeals or similar board shall give a hearing at which parties in interest and others shall have an opportunity to be heard. At least fifteen days' notice of the time and place of such hearing shall be published in an official publication of said city or in a newspaper of general circulation therein. Any such decision shall be subject to review by certiorari order issued out of a court of record in the same manner and pursuant to the same provisions as in appeals from the decisions of such board upon zoning regulations.

§36. Municipal improvements in streets; buildings not on mapped streets. No public sewer or other municipal street utility or improvement shall be constructed in any street or highway until such street or highway is duly placed on the official map or plan. No permit for the erection of any building shall be issued unless a street or highway giving access to such proposed structure has been duly placed on the official map or plan. Where the enforcement of the provisions of this section would entail practical difficulty or unnecessary hardship, and where the circumstances of the case do not require the structure to be related to existing or proposed streets or highways, the applicant for such a permit may appeal from the decision of the administrative officer having charge of the issue of permits to the board of appeals or other similar board in any city which established a board having power to make variances or exceptions in zoning regulations, and the same provisions are hereby applied to such appeals and to such board as are provided in cases of appeals on zoning regulations. The board may in passing on such appeal make any reasonable exception and issue the permit subject to conditions that will protect any future street or highway lay-out. Any such decision shall be subject to review by certiorari order issued out of a court of record in the same manner and pursuant to the same provisions as in appeals from the decisions of such board upon zoning regulations.

§37. Planning board, changes in zoning regulations. The body creating said planning board is hereby authorized by ordinances or resolution applicable to the zoning regulations of such city or any portion of such zoning regulations, to empower it, simultaneously with the approval of any such plat either to confirm the zoning regulations of the land so platted as shown on the official zoning maps of the city or to make any reasonable change therein, and such board is hereby empowered to make such change. The owner of the land shown on the plat may submit with the plat a proposed building plan indicating lots where group houses for residences or apartment houses or local stores and shops are proposed to be built. Such building plan shall indicate for each lot or proposed building unit the maximum density of population that may exist thereon and the minimum yard requirements. Such plan, if approved by the planning board, shall modify, change or supplement the zoning regulations of the land shown on the plat within the limitations prescribed by such legislative body in said ordinance or resolution. Provided that for such land so shown there shall not be a greater average density of population or cover of the land with buildings than is permitted in the district wherein such land lies as shown on the official zoning map. Such building plan shall not be approved by the planning board unless in its judgment the appropriate use of adjoining land is reasonably safeguarded and such plan is consistent with the public welfare. Before the board shall make any change in the zoning regulations there shall be a public hearing preceded by the same notice as in the case of the approval of the plat itself. On the filing of the plat in the office of the county clerk or registrar such changes, subject, however, to review by court as hereinafter provided, shall be and become part of the zoning regulations of the city, shall take the place of any regulations established by the board of estimate or other legislative authority of the city, shall be enforced in the same manner and shall be similarly subject to change.

§38. Boards of appeal. Any person or persons, jointly or severally aggrieved by any decision of the planning board concerning such plat or the changing of the zoning regulations of such land, or any officer, department, board or bureau of the city, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition must be presented to the court within thirty days after the filing of the decision in the office of the board.

Upon the presentation of such petitions, the court may allow a certiorari order directed to the planning board to review such decision of the planning board and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the order shall stay proceedings upon the decision appealed from.

The planning board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such order. The return must concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and must be verified.

If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

Costs shall not be allowed against the planning board, unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.

§2. This act shall take effect immediately.

RECENT BOOKS REVIEWED

Municipal Budget Making. By R. Emmett Taylor. Chicago: University of Chicago Press, 1925. Pp. 230.

This volume results from a study commenced in 1922 covering available literature, which the author found to be rather meager, and forty-six returns received from questionnaires submitted by the New York Bureau of Municipal Research to municipalities of varying size, location, and form of government. In the questionnaire subjects were grouped under the headings (1) preparation of the budget, (2) hearings, (3) ratification, (4) appropriations, (5) the budget as a controlling plan, (6) tax limitations, (7) current audit, (8) the budget calendar, and (9) the form of government. The information received through the questionnaires was subsequently checked and amplified by personal visits to several of the cities. The author in dealing with the scores of problems in the short space of a small book has sketched practices and procedures without delving deeply into any one phase. He has explained principles that have been quite well developed during the last few years and noted the extent to which these principles have been generally applied in larger municipalities. Observations and recommendations are added.

Many of the author's suggestions give rise to question marks. In one place he considers the advisability of having the personnel manager selected by the council, implying that this method might tend to keep the position outside the influence of politics. He suggests, among other methods, the desirability of having municipal employees recruited by the federal government. He considers that the best plan for obtaining an independent audit of accounts, in addition to the audit by the comptroller, would involve an accountant chosen for yearly periods by some responsible city organization— "say the Chamber of Commerce." He adds that "this proposal would afford an efficient check as often as deemed necessary throughout the year and would remove the position from the realm of politics." Again, in proposing a procedure to be followed in preparing the budget he would make the comptroller the principal budget officer and merely give the mayor or city manager an opportunity to appear before the council committee at hearings. In other words the real executive, if there is one, would have very little to say regarding budget proposals.

The attempt of the author to generalize upon principles of budget procedure without carefully considering the application of the principles to the several different forms of government leads to considerable confusion. Budget procedure cannot be considered in the abstract. One procedure may be best for those who believe in decentralization of authority, and another would apply for those who believe in centralization of authority. In other words the procedure should differ under the city manager, commission, and council mayor forms. Those who believe in the city manager form of government, for instance, would not agree with the author that the comptroller should be the budget officer unless he acts in a staff capacity for the city manager. It is along these lines that many of the recommendations deserve more explanation.

Practically all of the information contained in the book was obtained from municipal experience. There is an absence of comment upon the budget forms and procedures in the more progressive state governments and the federal government where so much has been accomplished during recent years. These experiences could well be included, by way of suggestion, in a book on municipal budget making. There also is a paucity of mention regarding the important budget problems associated with the preaudit, the control of the lump sum, the single fund versus multiple funds, classification for budgeting salaries and wages, and the place of the functional or activity classification in budget making. The sum total, nevertheless, presents a book filled with a great deal of miscellaneous information from which budget officers of discernment may receive valuable suggestions. The book will probably be of more service to this group than to persons who are not familiar with budget making and who desire for the first time to understand what it is all about.

Morris B. Lambie.

University of Minnesota.

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Principles and Problems of Government. By Charles Grove Haines and Bertha Moser Haines. New York: Harper & Bros., 1926. Pp. 663.

In eight pages of contents, three of preface, six hundred forty-five of text and seven of index, this book takes us over the road from Pithecanthropus to William E. Borah. The cosmic field of things political is organized into four parts. Part one, 74 pages, an introduction to the study of the principles and the problems of government, comprises three chapters and is necessarily a sketch of methodology. Its effect in bewildering a beginner would probably be considerable.

Part two, in true western fashion, devotes three chapters covering 106 pages to "problems of public control of government." The last is the only term defined. The space distribution seems noticeable, e.g., public opinion in France gets 13 lines with no mention of army, church, press or industrialists; while our American women's clubs get 31 lines.

The authors' preface has classified their work as "prepared primarily for use in an elementary course in colleges and universities." How can one control what he knows not of? The order of chapters seem, therefore, confusing. But the tables of specific facts as to initiative, referendum and recall (pages 106–7, 109, 112–13) appear exact, modern and useful. Political parties and civil service are also telescoped into Part two and the whole treated rather from the Hiram Johnson standpoint.

With Part three, seven chapters, two hundred forty-six pages, we come to what used to be thought the field of government: constitution, federalism, legislation, the executive and the courts. The treatment is world-wide ranging at ease from Vermont to China to Jugo Slavia to Oregon. The reviewer is unable to understand on what principle the readings suggested were included. The net result might well be to confirm the student in whatever convictions a high school course in civics might previously implant.

Part four takes up "special problems," five chapters, two hundred nineteen pages. The first chapter on the budget seems factual and fairly modern. The second, on public utilities, seems antiquated. The third and fourth on international relations and organization are suggestive and, one hopes, fairly distasteful to the Hiramites.

We close with a chapter of thirty pages "What is the function of government?" but leave the query unanswered.

The strength of the book is its facts. Its weakness is vague inclusion.

W. L. Whittlesey.

Princeton University.

Fresh Air and Ventilation. By C.-E. A. Winslow. New York: E. P. Dutton & Company, 1926. Pp. 182.

There is probably no subject in the whole realm of sanitary science about which there is more earnest argument but less real understanding among people generally than ventilation and its relation to personal and public hygiene. Many of the public's most positive convictions about ventilation are based upon completely discredited theories, and there is, even among the leaders of community thought and action, a vast confusion with respect to the facts about ventilation which modern experimental science has brought out in the past decade. Everyone knows that "fresh air" is an essential of good ventilation, but few know what "fresh air" is or why it is necessary. That there ought to be some relation between the cubic contents of an enclosed space and the number of persons occupying it is quite generally appreciated but what this relation should be under varying circumstances is more or less a mystery. The necessity of maintaining the right degree of temperature and the right amount of humidity of air in dwellings and work rooms is universally recognized, but very few know why or how these conditions should be maintained. Some method or "system" of ventilation that will replace used air with unused air in homes and work rooms is commonly regarded as of vital importance, but why it is necessary and what method or "system" is best are questions to which only the sanitarians, and relatively few of these, can furnish the right answers.

To illustrate the bearing which this widespread ignorance of ventilation fact has upon some of our most vital problems of public administration, consider school ventilation. Dr. Winslow says; "On the first of January, 1925, there were seventeen states with no laws or state-wide regulations covering school ventilation. There were seven states with laws containing vague but pious aspirations to the effect that schools should be 'adequately' or 'properly' ventilated or so ventilated as to avoid the accumulation of the products of respiration in harmful concentration. There were twenty-four states specifying definite standards for school ventilation based on the Pettinkofer theory." As the writer points out, a major premise of the now discredited Pettinkofer theory was that the influence of bad air is due to the presence of toxic organic substances excreted into the atmosphere from the human body. Dr. Winslow says further: "It would be safe to say that approximately one-half the schools built in the United States are today constructed under official regulations requiring the installation of systems of ventilation capable of supplying thirty cubic feet of air per minute for each child—which means, of course, systems of fan ventilation. Yet this whole complex legal and administrative structure rests upon the fundamentally erroneous conception that the object of ventilation is to dilute nonexistent poisons. . . . It would seem obvious that the compulsory use of positive 'plenum' systems of supplying thirty cubic feet per minute of warm air is not only costing the taxpayers of the United States millions of dollars but is, at the same time, working very real injury to the health of our school children."

This is but one of many illustrations of the effect which ignorance and misinformation about ventilation have had upon public administration; many more might be cited and are cited by Dr. Winslow in his thorough discussion of the subject. He has summarized in 182 pages the results of scientific study of ventilation in this country and abroad during the past twenty years particularly, with special emphasis on the recent findings of the New York State Commission on Ventilation which represent the last word on the subject.[1] In clear cut, non-technical terms he has separated the truths from the untruths and half truths so positively that there should no longer be any doubt as to what good ventilation is and how it can be secured in homes, schools, public buildings offices, industrial plants, and other places. He demolishes with his weight of fact many of our most cherished beliefs about ventilation but he offers in their stead a constructive program for individuals and communities which ought to have the immediate attention of all citizens.

Certainly no one in this country is better qualified than Dr. Winslow to deal with this subject. As chairman of the New York State Commission on Ventilation, he has directed the most thorough study of ventilation which has yet been made. As a teacher of public health and director of community health service, his work has given him high and authoritative standing in this country and abroad. We heartily recommend this, his latest contribution to sanitary science and practice to the readers of this journal.

C. E. McCombs, M.D.

Common Wealth. By C. G. Campbell. New York: The Century Co., 1925. Pp. xii, 472.

It is not always easy to follow Mr. Campbell's argument, though in the fashion of literary men writing on economics he has a disconcerting way of arriving at conclusions which seem much more significant than the reasoning by which, explicitly, they are supported. One should not come to the book for an understanding of competitive economics in the text-book sense; it does not explain "the mechanism of exchange" as Jevons called it, and at many points it is clear that the author does not understand how the mechanism works, or "tends" to work. He speaks of "productive" exchange (p. 95) as exchange of "surpluses," though elsewhere he seems implicitly to recognize that goods are produced in order to exchange and that exchange is an indirect mode of production. He does not understand the meaning of cost or recognize that financial control is of the very essence of competitive individualism—which unfortunately does not distinguish him from some economists of the cloth. In particular (p. 96) he treats cost as an absolute, whereas the law of comparative cost is the basic principle of organization in an exchange system. Of course we do not expect anyone but a professional economist (and not many of those) to have sound views on money and capital, but here especially Mr. Campbell shows flashes of insight in many conclusions which have no obvious foundation in his argument.

The work falls into three "books" dealing with The Natural Economy, The Artificial Economy, and Broad Questions of the Dual Economy. In a general way the first two are "scientific," the last "practical."

In the final book it becomes clear that the object of the whole is to propound a rather interesting theory of Utopia. All the way along, the evils which are emphasized are luxurious consumption and waste through "acquisitive exchange," the meaning of which is dark to the reviewer. Wealth should be used in the discovery and pursuit of "a great racial purpose of life" (p. 361), which is also obscure, beyond the fact that it is biological in character. Finally, the root evil is found in liberty! (pp. 361, 370, etc. Cf. p. 226, where St. Paul's diagnosis is approved). The crying need, then, is "control," and one reads on eagerly to learn who is to do it. In Chapter V (Book III) the methods of even distribution of property and the placing of "an emasculated state in control of the sequestrable constituents of wealth" are designated as "absurd." On page 400 the solution is revealed. It is to "*leave*" (reviewer's italics) the control of wealth in the hands of the "capitalistic minority, which has demonstrated its competence, and can be regulated in any way that we choose." So Utopia is already here, and the only problem is why the author wrote the searching arraignment of existing society which fills all but a few pages of his book.

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[1] Ventilation, report of the N. Y. State Commissioner on Ventilation, E. P. Dutton and Company, New York, 1923.

F. H. KNIGHT.

University of Iowa.

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A HISTORY OF AMERICAN IMMIGRATION 1820–1924. By G. M. Stephenson. New York: Ginn and Company, 1926. Pp. 316.

THE MELTING POT MISTAKE. By H. P. Fairchild. Boston: Little, Brown and Company, 1926. Pp. 266.

No field of modern discussion has been marred more by prejudice than the immigration problem. Blood has been not only thicker than water but more compelling than the cooler processes of thought. The average man has thought of the immigration problem in terms of himself or of his immediate ancestry. Race prejudice has too often controlled legislation toward the new comers. But on the other hand, the policy of the wide open door has sometimes been carried to the point where it seemed to careful observers that the distinctively American spirit in community life, in government and in industry might be jeopardized.

Although all Americans, except the Indians, are in a sense immigrants, yet from the first years of our government, from the earliest colonial days to the present time, those who have been prior in point of time have looked with no little misgivings on the streams of immigrants that have followed them. The most amazing thing about the immigration problem is the likeness of the arguments of one generation to the contentions of another. Here, as in other enduring issues, there seems to be no new thing under the sun. The great debates and changes in immigration policy in the past illuminate the future.

It would seem proper, then, that a history of immigration should begin with the colonial development of America. To deal with the causes of immigration into the United States only since 1820 omits a vital and interesting part of the story, for the motivating forces then of importance had been determining factors for almost two centuries, despite the fact that the religious and political incentives were of less importance and that the economic factor had become the leading cause of immigration during the nineteenth century.

The first nine chapters in Dr. Stephenson's "History" on the European background are intended to introduce the reader to some of the conditions and events which have set in motion accelerated or retarded emigration from European countries. It is really a history of European emigration rather than of American immigration. The author makes a contribution from this point of view to the literature on the subject, although he fails to develop his theme beyond a sketchy analysis based mostly upon private documents, letters, etc., heretofore unused.

His chapters devoted to "Immigrants in America" likewise deal in a sketchy manner with the development of our policy toward the foreigner. Instead of writing a digest of congressional opinion, he could have digested congressional opinion. Very little analysis of the existing laws is attempted. His treatment of particular problems, such as naturalization, is wholly inadequate, as are the chapters devoted to oriental immigration. However, his search for original sources opens up vast fields for research wherein a more intensive study can be made of particular problems.

The immigration problem is a biological one at the present time. Opponents of restriction in general and the present law in particular speak of the "Nordic Myth" and at present are directing their attack at the very heart of the law itself, when they deny that one race or nationality is better fitted for assimilation than another. Unless one is on his guard he finds himself debating the age-old question of the relative importance of environment and heredity in the determination of human qualities.

Dr. Fairchild has made an important contribution from the biological viewpoint. Pointing out that we inherit our racial and acquire our national qualities or characteristics, he sets forth in a delightful and convincing manner how various symbols, such as "the melting pot," "assimilation" and "Americanization" have delayed proper restriction of immigration and prevented a real solution of the problems created by the presence of the excessive numbers of aliens within this country. His conclusions throughout vindicate the present law in its drastic restriction of the "new" and the prohibition of oriental immigration. His chapters on "Americanization," "Enforced Patriotism" and "The Duty of America" should be read by everyone interested in Americanization and naturalization. The keen analysis of these problems leads one to expect constructive suggestions from the author. The naturalization laws need revision. Unquestionably so. But what changes should be made? One seeks in vain for the answer. "There should be established some genuine, searching tests of fitness for citizenship. Just what these tests should be it is not so easy to say" (page 193). Again, we read, "What we need are genuine tests of assimilation," yet no suggestion is given (page 196). His statement that the present quota basis is discriminatory in favor of the old immigration (page 132) is misleading, since it obtains the same results as the national origin plan which he endorses, yet which he acknowledges is a basis difficult if not impossible of calculation (page 85). The quota basis gives us an equitable distribution of the old and the new immigration in a practical manner. If national origin is a practical basis, then the author missed the outstanding opportunity of setting forth the methods to be used by those who are seeking for the answer. At best the national origin results will be "negative" and an "estimate." It would seem better under such conditions to retain the present quota plan indefinitely in the future.

The solution to the immigration problem today is to keep and strengthen our present restrictive legislation in order that we may have time to overcome the mistakes resulting from the symbol of the melting pot.

Roy L. Garis.

Vanderbilt University.

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC.,

Required by the Act of Congress of August 24, 1912,

Of NATIONAL MUNICIPAL REVIEW, published monthly at Concord, New Hampshire, for April 1, 1926.

State of New York, County of New York, SS.

Before me, a Notary Public in and for the State and county aforesaid, personally appeared H. W. Dodds, who, having been duly sworn according to law, deposes and says that he is the editor of the National Municipal Review and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management (and if a daily paper, the circulation), etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in section 443, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:
   Publisher, National Municipal League, 261 Broadway, New York.
   Editor, H. W. Dodds, 261 Broadway, New York.
   Managing Editor..
   Business Managers..

2. That the owners are: (Give names and addresses of individual owners, or, if a corporation, give its name and the names and addresses of stockholders owning or holding 1 per cent or more of the total amount of stock.) The National Municipal Review is published by the National Municipal League, a voluntary association, incorporated 1923. The officers of the National Municipal League are Frank L. Polk, President; Carl H. Pforzheimer, Treasurer; H. W. Dodds, Secretary.

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: None.

4. That the two paragraphs next above, giving the names of the owners, stockholders, and security holders, if any, contain not only the list of stockholders and security holders as they appear upon the books of the company but also, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner; and this affiant has no reason to believe that any other person, association, or corporation has any interest direct or indirect in the said stock, bonds, or other securities than as so stated by him.

H. W. DODDS
Editor.

Sworn to and subscribed before me this 4th day of May, 1926.

[SEAL] Notary Public, Westchester Co., New York; GEORGE BARRY.
Certificate Filed in New York Co. (My commission expires March 30, 1927.)

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Public Utility Consultant, New York City

One More Telephone Decision.—*According to plans previously announced, our intention had been to present in this issue the arguments in favor of the reproduction cost as the basis of valuation for public utility rate making. This was designed as one of a series of short articles on principles and methods of regulation, with the object of preparing the foundation for more scientific and effective policies.*

The article promised for this number, however, will be postponed to the next issue in order to make room for an article on the New York City telephone case, which has just been decided. This case is not only of immediate news value, but excellently illustrates the legal and technical complexities with which regulation has been almost strangled.

We are pleased, therefore, to present the following article as a study admirably fitted for the purpose of the contemplated series of studies on general regulatory questions and policies.—EDITOR.

The New York telephone rate case has been characterized as "an example of futility in present methods of public utility regulation."[1] I wish to call attention to another milestone on this long road of litigation which began in 1913 and promises to continue for at least a number of years more.

The New York state public service commission has just rendered a decision which allows the company an increase in New York City revenues of approximately 12 per cent. As a 10 per cent surcharge has been in effect for two years by order of the federal court, an additional 2 per cent on the telephone bill will not matter much to the average subscriber.

What does matter is the manner in which this decision, one in a series of past and prospective commission and court actions, has been reached.

SIGNIFICANCE OF THE DECISION

This order by the commission is of more than ordinary significance in view of the fact that two opinions, a majority opinion and a minority opinion, each of 70 printed pages, have been handed down, and that the split in the ranks is due directly not to a difference in conviction or principle, but to the degree of constraint of the court felt by the members of the commission.

THE BACKGROUND

The present investigation has been before the commission since January, 1924. Since September, 1924, a master appointed by a statutory court has likewise been conducting hearings. These are expected to continue throughout this year, or perhaps into 1927. Hence, the decision of the commission will be finally reviewed by the court in the light of the master's report.

Last December the company appealed to the court for a modification of its temporary surcharge from 10 to 35 per cent. The appeal was denied by the court on the ground that the commission was to hand down shortly its decision, and presumably it would square with the facts and the constitutional principles of rate making.

In its statement, however, the court specifically enumerated points of error in the order issued by the commission in January, 1923, and declared that if the commission in the coming order "disregards those principles . . . it will be time enough then to bring the matter to the court's attention."

QUESTIONS AT ISSUE

As the property involved in the investigation represents a book cost of about $450,000,000, the controversial matter ranged over the whole gamut of the rate making scale. The outstanding issues were (1) the rate base, involving reproduction cost, deduction for depreciation, and going value; and (2) rate of return.

After quoting the statutory court on each of the important points enumerated above, the minority opinion of the commission states:

> So, whatever might be the opinion of the commission as to those disputed matters, is thus rather immaterial under the circumstances.

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[1] Bauer, J., *American Economic Review*, September, 1925, p. 586 ff.

Thus, Chairman Prendergast and Commissioner Van Namee hold up their hands and surrender their constitutional powers of *rate making*.

RATE OF RETURN

The completeness of the surrender is especially evident in its own version of the controversy regarding the rate of return. The statutory court referred to this point as follows:

> The commission stated that the rates fixed by its orders were intended to yield a net return to plaintiff of only 7 per cent, and this court held this was error; it being customary to allow as a reasonable rate of return for regulated business like this one 8 per cent, unless a departure from that rate should be shown to be warranted.

Compare the statement just cited with the one by the supreme court of the United States in a decision of June 11, 1923:

> The probable return based on the value and the probable income found by the commission would be nearly 7¼ per cent. It must be borne in mind, as pointed out in Galveston Electric Co. v. Galveston, *supra*, that, since dividends from the corporation are not included in the income on which the normal federal tax is payable by stock-holders, the tax exemption is, in effect, an additional return on the investment. A return of 7¼ per cent—in addition to this tax exemption—can not be deemed confiscatory. (Ga. Ry. v. R. R. Comm. 264 U. S. 625, 633.)

Even if no testimony had been offered on the public side it would seem as if the minority could take this statement by the highest court into consideration, and in addition take judicial notice of the fact that (1) money rates have declined since 1923; (2) the New York Telephone Company certainly could obtain capital at an appreciably lower rate than the Georgia Railway Company; (3) the New York Telephone Company pays to the A. T. & T., the parent company, 4 per cent of its gross receipts, allowed in this case as an operating expense, which is partly for "financial assistance."

But the city, through its expert, Dr. Milo R. Maltbie, introduced all the evidence that could possibly be got together, and from which the minority opinion copiously quotes, proving that the average cost of capital to the company is less than 6½ per cent, that its securities on the market sell at a lower yield, that it could even issue 7 per cent common stock at par. Nevertheless, the minority felt so overawed by the statement of the statutory court that even with respect to rate of return they dissent from the majority; instead of 7 per cent they would allow rates to yield 8 per cent.

DEPRECIATION

Likewise with respect to depreciation the minority dissents solely because of constraint of court. The company has accumulated a reserve of $80,500,000 for the New York City properties, but claims that "existing depreciation" amounts to only $43,000,000. Hardly anyone could marshal the facts more clearly or argue more cogently why the full amount of the reserve should be deducted than the minority does in the opinion.

It finds that (1) the company has claimed all along and still claims that its annual depreciation charges were needed to make good all depletion in capital assets; (2) the "existing depreciation" testified to by the company limited itself merely to "apparent physical deterioration, plus certain minor adjustments (based on present apparent condition) for manifest inadequacy limited to a three-year period"; (3) that it did not consider at all (a) "depreciation not discoverable upon physical inspection," (b) "inadequacy beyond that which is manifestly (as a matter of present knowledge) to occur in three years," (c) "inadequacy resulting from age, physical change or supersession by reason of new inventions or discoveries, or changes in the art, or changes in public demand or in public requirements," (d) "obsolescence which may occur to affect the service value of the plant and property caused from any of the agencies mentioned in (c)," (e) "replacements due to destruction of physical units of plants and property by reason of extraordinary casualties"; (4) "that actual dollars have been appropriated out of revenues and charged against operating expenses and transferred to depreciation reserves for all of the above purposes, and that the balance in depreciation reserves must contain such sums, the amount and extent of each or any of which it is impossible to determine, except it would appear that the entire balance in such reserve contains all that has been appropriated for such purposes, and at the present time unexpended."

But in spite of all these *facts* the minority, because of the statutory court's *abstract pronouncement*, deducts only the so-called "existing depreciation." It does, however, reduce the company's current depreciation charge under operating expenses by an amount which does not seem to have any definite basis. The majority deducts the entire reserve.

GOING VALUE

On the subject of going value the entire commission reached agreement, allowing $10,000,000 ($7,500,000 for New York City and $2,500,000 balance of state). One witness for the company claimed a going value of $47,500,000 and another testified to a sum of $54,300,000.

These "values" the commission found to be deduced by a process that "is completely speculative and can only produce such answers as the individual opinion of the estimator envisages as the fitting assumptions on which the calculations are based."

The record also shows that "Of course there is nothing in the past financial history of this company to warrant an allowance of going value if that alone were the test; it being uncontradicted that four years after its organization in 1896 it declared a $3,000,000 stock dividend, and that it has continuously since organization paid dividends on its common stock averaging more than 8.1 per cent. . . . So far as the books of the company are concerned, all money used for extensions has been treated as a capital charge or as an ordinary current expense and charged against rates."

The $10,000,000 allowance is made purely because the statutory court, apparently *without specific investigation* of the facts charged the 1923 order of the commission with error for not setting out a separate amount as going value.

REPRODUCTION COST

There was not much difference between the majority and the minority with respect to the basic valuation of the physical properties. Both adopted bases substantially above actual cost but below the reproduction cost figures claimed by the company. It is of interest to note here that *the difference* in the total reproduction cost of all elements of property in the state *between the two witnesses for the company exceeded $106,500,000.*

In view of the confused stands taken by various commissions and courts relative to this phase of valuation, the action of the commission under this item seems to be justifiable.

CONCLUSION

The results so far obtained in the New York telephone case inevitably lead one to the following conclusions:

1. The New York state public service commission, created so auspiciously in 1907 and standing guard for many years to protect the public interest, finds itself now, twenty years later, powerless to cope with the huge problem of rate making.

2. In spite of the mounting complexities of regulation, the commission is not provided with a staff even as sufficient as ten years ago. The commission declares that "The city of New York was the only party to the investigation which presented any testimony other than that presented on behalf of the company." The time when the regulatory body itself took the initiative in protecting the public has passed.

3. The commission, under existing undefined legislative powers, is in awe or constraint of federal courts to an extent that it tends to relinquish its own judgment in any given case, and as a result to establish precedents that will add to the existing stumbling blocks to orderly and rational processes of regulation.

NATHANIEL GOLD.

The College of the City of New York.

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What Is Ownership in a Utility?—Some months ago Professor W. Z. Ripley of Harvard University started an extremely interesting discussion which has been taken up widely by publicists and the press. He pointed out that to an amazing degree the actual investors and owners in modern business are divorced of actual management and control. This applies particularly to railroads and other public utilities. It refers not only to bondholders but also to stockholders, and is brought about by various financial and legal devices including preferred stocks, non-voting common stocks, holding companies, bankers' control, advisory and management corporations, etc.

As to the facts, Professor Ripley is, of course, correct and he has rendered a great public service by calling striking attention to a situation which had been placidly accepted without thought by practically everybody conversant with industrial developments. He has offered no particular solution, but he points to the serious consequence that may follow the further cumulative operation of the forces which produced the present conditions.

The important question is, what shall be done about the matter? The interstate commerce commission in the proposed Nickel-Plate railroad consolidation, refused to grant its approval because certain groups of stockholders were not properly treated in the plan. Shortly after this decision, the board of public utility commissioners of New Jersey refused to authorize an issue of non-voting stock. Both decisions have been extensively lauded because of the effort to preserve the powers of ownership and to prevent a further separation from management and control. So far as railroads and utilities are concerned, shall we insist hereafter that only such securities shall be issued as will embody the rights and duties of ownership? Shall we prevent a financial structure and all special devices which will separate the actual investors from the management and control of the utilities?

This opens an extremely important and fruitful field for special investigation and study. The answer, however, must not be uncritically accepted along the lines indicated by the interstate commerce and the New Jersey commissions. There is room for doubt as to the positive good to be obtained from such repressive action. It appears likely that even if the issuance of non-voting stock, and all other legal and technical devices for divorcing ownership from actual management are forbidden, the great bulk of investors in railroads and utilities, as well as all other large industries, will not exercise the rights and duties of management and control. This is true, of course, where the securities are in the form of bonds and the holders are technically creditors, but practically it applies also to common stock of which the holders are recognized as *par excellence* the owners of the properties.

In the case of bondholders, naturally, there is no right to participate in management and control except in the case of receiverships. The fact, however, should be clear that at least 75 per cent of the total actual investment in railroads and public utilities consists of bonds and not stocks. Consequently by the very form of securities issued the bulk of the investors are immediately and irretrievably deprived of management and control. Shall we, therefore, in the future prevent the issuance of bonds and insist upon a major proportion of stock issues? Likewise, shall we prohibit further flotation of preferred stock, which similarly foregoes any share in management but which has been used to a rapidly increasing extent in recent years?

But if we require a greater proportion of common stock issues, we are likely to hinder the acquisition of additional capital as needed for service. The financial structure in many cases is such that stocks cannot be issued for new capital, and bonds furnish the only practical source for additional funds. Shall we, therefore, insist upon an entire reconstruction of the financial organization of the companies so that the power of management may be conveyed to the actual investors?

If, however, all of the investment were in the form of common stock, we should still be confronted with the fact that the great majority of holders would not exercise the right of management. This is established almost beyond question by the experience of all corporations with a large number of stockholders. Comparatively few attend stockholders' meetings, and usually the officers come armed with proxies and are in a position to perpetuate their own official existence. Only under exceptional circumstances are stockholders aroused to the extent of attending meetings, or of carefully selecting their representatives to whom the proxies are given. For the most part, they practically cannot participate in active management. They acquire the holdings incidentally to their active participation in some other business or profession. They treat the stock as mere investments, and they have the same object as the bondholders, to obtain a return upon the investment. They really view themselves as creditors, and not as actual owners and managers of the business.

Is not this situation so deeply lodged that it cannot be changed? If so, then the dangers that arise from the separation of investment and management, for the most part, must be reached in a more realistic way than by the prevention of the technical practices which have become established. If we do insist upon capital stock issues, with full voting power, will the right be exercised and will not the actual management still rest in the hands of those who have little money at stake? There would still be the same inducement, possibly in some lesser degree, to speculative control by those who have little financial risk, at the probable sacrifice of underlying public interests. At least so far as railroads and public utilities are concerned, whatever else may be done, it appears desirable to recognize the facts and place upon the Interstate Commerce Commission and the state commission requisite powers to deal adequately with management, not only to protect the consumers but also the rights of the investors in the properties.

Hitherto the commissions have been vested primarily with the duty to safeguard the consumers. The special public interest has been established and regarded primarily from the consumers' standpoint as to reasonable rates and proper service. The chief object has been to restrain the *owners* from imposing excessive charges. But now it appears that the actual owners do not control and are themselves at the mercy of the management which exists largely independent of ownership. The real public interest, therefore, has come to extend not only to consumers, but investors, including common stockholders.

If this view is correct, it will be necessary to give the commission sufficient control over finances and management so as to safeguard all investments. When securities have been issued, their permanent safety should be entrusted primarily to public authority rather than to management which has little investment. If this policy were incorporated into law and proper administrative machinery provided, it would be largely immaterial in what form securities for new capital are issued, whether bonds, preferred stock, non-voting common or ordinary common, or whether the management had put any money into the business. All investors would be considered practically as creditors in the public enterprise, and all would be equally protected through defined policies and methods of regulation.

If we are not to provide for such an extension of regulation in the interest of the investors, what effective course is to be taken to meet the condition and dangers so clearly presented by Professor Ripley?

✣

Secretary Hoover Against Federal Regulation.—In the *Bulletin of the Investment Bankers' Association*, April 30, 1926, Secretary Hoover discusses the movement that has gained some headway during the past few years, for federal regulation of utilities, especially in the production and transmission of electricity. Mr. Hoover believes that the present state regulation is adequate to meet the requirements of public control. Even in the electric industry he believes that 96 per cent of the business comes directly and completely under state control, while the rest can be better supervised by state machinery, notwithstanding the interstate traffic, rather than to resort to an expensive and complicated federal system. He does not conceive that the business will become dominantly interstate in character, as the railroads whose traffic is 70 per cent to 80 per cent interstate.

Mr. Hoover appears to look with more approval upon the work of the state commissions than the facts warrant. That "their regulation has been effective" may well be disputed. But the cause of their failure would apply equally to federal regulation; the remedy is to employ scientific methods instead of guess-work, and not to transfer jurisdiction to a federal agency. In many instances the conveyance of control to local municipalities might even be desirable. Jurisdiction naturally should correspond with the facts of the industry. Where the business is dominantly national, effective control must be federal. For the great bulk of regulation there appears little ground for present disagreement with Mr. Hoover, that regulation is properly a state function. But it is quite conceivable that serious interstate problems will develop rapidly with the extensive consolidations of electric properties and the appearance of "super" and "giant" power. It is time to give thought to the problem, even if we reject any proposed immediate remedy of federal control.

There will undoubtedly be rapidly increasing interstate power transmission, and there will be interstate questions which will prove troublesome. The difficulties have already been foreshadowed in a recent decision by the supreme court of the United States which Secretary Hoover fails to consider.[2] Apparently, if a company produces power in one state and transmits it to another, and there sells it to a second company which makes the distribution to the local consumers, the transmission is deemed to be interstate, beyond the control of the state where the distribution takes place. If this decision controls and if interstate power transmission increases according to present prospects, we may soon be forced to look for federal control, notwithstanding the reluctance to start new machinery for federal regulation, with its inevitable complications with state control.

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[2] Missouri v. Kansas Natural Gas Co., 265 U. S. 298; decided 1924.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE

Professor of Law, Georgetown University

Liability of Ohio Municipalities upon Contracts Implied in Law.[1]—The liability of municipalities to account as upon a contract implied in law for benefits received is often limited by constitutional or statutory requirements that contractual obligations shall be incurred only through certain prescribed acts. In many instances to apply the same principles of recovery for benefits received as in the case of a private corporation would result in the practical nullification of the statutory inhibitions which have been enacted to protect the taxpayers from unjust burdens. The English courts carry this rule to the extent of refusing to grant recovery to contractors who have performed work under agreements which do not comply with the requisites of the statute (Hunt v. Wimbleton Local Board, 3 C. P. D. 408; Young v. Leamington, 8 App. Cas. 517). The same rule was followed in this country in Zottman v. San Francisco, 20 Cal. 96, and Hague v. Philadelphia, 48 Pa. 527, and many of the earlier cases seemed to hold that no recovery would be allowed even for money paid for municipal bonds, which after negotiation were declared void. The early decisions of the United States supreme court to this effect were later modified upon the rehearing in Brenham v. German American Bank (1892), 144 U. S. 549, and the liability of the municipality to account for moneys thus received is recognized. When such moneys have actually gone into the treasury of the municipality as part of the public funds, the prevailing doctrine now is that the city is liable therefor in an action *ex contractu.* (Thompson v. Town of Elton, 109 Wis. 589.)

But a greater difficulty arises, where the action is brought for services rendered or material supplied under a void contract. While goods thus supplied may be recovered back if they exist in their original form (Superior Mfg. Co. v. School District, 28 Okla. 293), they may have gone into the construction of public works and to permit a recovery for their value would effectually nullify the restraining statutes, and under these circumstances the earlier case held recovery against the city could not be permitted. In no state have such statutes been more drastically upheld as preventing recovery of the value of service or goods furnished to a municipality under an agreement which did not comply with the statute than in Ohio. But in the recent decision in Sommers v. Putnam County Board of Education (148 N. E. 682) the supreme court of that state has taken advanced ground and materially extended the doctrine of quasi contractual liability to municipal corporations.

Somers, in his petition to the court below, averred that he was the father of four children all of whom were of compulsory school age and eligible to admission to the high school of Riley township, Putnam county, Ohio; that he and his four children resided more than four miles from any high school, to wit, four and one-half miles from the nearest high school which was the high school maintained by the defendants, boards of education of Putnam county and Riley township; that he requested first the township board and then the county board to furnish high school work for his children within four miles of their residence or to furnish transportation for his four children to and from the defendants' high school, all of which requests were refused and rejected. After stating that he had been compelled to and did transport his four children to and from the high school for the past school year, the plaintiff sued the two boards of education for the expense thereof after he had presented an itemized bill for such services and which had been refused and rejected. The court of common pleas sustained a demurrer to the petition and this judgment was affirmed by the court of appeals. The Ohio supreme court reversed the decisions of the lower courts and overruled the demurrer, Miss Justice Allen saying: "Plaintiff in error concedes that there is no contractual relationship existing between the school boards and the plaintiff in error, but contends that, under the familiar rule of quasi contracts, this action lies for money expended in transporting his four minor children to a high school outside of the four mile limit. With this contention we are in accord. The parent has discharged the obligation first of the local school board and next of the county school board."

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[1] Reprinted (with revision) from *Georgetown Law Journal,* May 1926.

The Justice continued that the plaintiff in error had conferred a benefit upon the school boards by performing a duty made mandatory upon the latter by the General Code Sections 7764–1 and 7610–1, and, further, that by performing such duty, the plaintiff was the proper person to provide transportation to and from the high school for his children and that he was not a mere intermeddler. The court was satisfied that there was a dutiful intervention in the discharge of another's legal obligation according to the principles enunciated by Professor Woodward in his "Law of Quasi Contracts," at page 310. Professor Woodward writes that "Acts of beneficial intervention which may result in quasi contractual obligation, fall within the following classes:

"(1) The discharge of another's legal obligation.

"(2) The preservation of another's life or property.

"The performance of another's legal obligation may be regarded as dutiful, if it appears:

"(a) That the obligation is of such a nature that actual and prompt performance of it is of grave public concern.

"(b) That the person upon whom the obligation rests has failed or refused with knowledge of the facts, to perform it; or that it reasonably appears that it is impossible for him to perform it.

"(c) That he who intervenes is under the circumstances an appropriate person."

Although a quasi contractual obligation upon the school boards is thus discernible, there may have been genuine doubt as to a recovery thereon in view of the rigid observation and construction by the Ohio courts of the General Code sections which, in effect, hold that "there is no implied liability ex contractu of a municipality, and it can become obligatory only in the manner fixed by statute. To state a good cause of action against a municipality in matters ex contractu the petition must declare upon a contract, agreement, obligation or appropriation made and entered into according to statute. A petition on account merely or *quantum meruit*, in such cases is not sufficient." Ellis' Ohio Municipal Code (1924) 710.

Thus in McCormick v. City of Niles, 81 Ohio St., 246, 251, 90 Northeastern Reporter, 803, it is stated that "the admission that plaintiff could not recover of the city on an implied contract is the recognition of what we have repeatedly decided when parties sought to hold a municipal corporation liable on *quantum meruit*, or implied contract." This is practically a verbatim repetition of the decision in City of Welleston v. Morgan, 65 Ohio St. 219 (1901), 62 N. E. 127, "Tooke Cases on Municipal Corporations," p. 942. In the case just cited the court agreed that prior to the enactment of Section 1693, Rev. St., which provides: ". . . And no contract, agreement or obligation shall be entered into except by ordinance or resolution of the council, nor any appropriation of money for any purpose be made except by an ordinance; every ordinance appropriating money shall contain an explicit statement of the uses and purposes for which the appropriation is made; the power or authority to make a contract, agreement or obligation to bind the corporation, or to make an appropriation, shall not be delegated; and every contract, agreement or obligation, and every appropriation of money made contrary to the provisions of this section shall be void against the corporation, but binding upon the person or persons making it . . . ," there were holdings by the Ohio court which seemed to recognize implied municipal liability, but since the enactment of the statute just quoted from, a strict adherence to the restrictive nature of its patent limitations of recovery on *quantum meruit* have prevailed. But in Youngstown v. National Bank, 106 Ohio St., 563, the decision was to the effect that where a mayor of a municipality, acting pursuant to paragraphs 4250 and 4373 of the Ohio General Code, appoints emergency patrolment, and represents to a bank that the municipality is without funds either to employ or to pay such emergency patrolment, and procures the bank to pay the emergency patrolment upon the payroll or certificate of the city auditor of such municipality, and the sum so paid is the fair and reasonable value of such services as therefor fixed by the municipality, the bank will be subrogated to the rights of such emergency patrolment and be entitled to recovery from the municipality. There is at least a modicum of *quantum meruit* in this recovery but it must be borne in mind that there was a peculiar exigency in this instance and the bank's act of loaning money solely upon representations from the mayor may have been the only means of securing proper and efficient patrolment of the city. It still remains, however, that the Ohio courts are loath to admit an exception to the strict observance of the rule against quasi contractual recovery.

H. L. Lind.

BRIEF NOTES ON RECENT DECISIONS

Streets and Highways—Motor Vehicles Act of Montana Sustained.—In State v. Johnson, 243 Pac. 1073, the supreme court of Montana sustained the validity of the Motor Vehicles Act of that state. The act in question authorized the railroad commission to regulate all motor vehicles engaged in the transportation of persons or goods for hire on the public roads. The court holds, in conformity with the decisions of other jurisdictions, that the act is within the police power of the state and that it does not involve the delegation of legislative power to nor vest judicial power in the commission. In coming to this conclusion, the court says: "Confronted with the necessity of the regulation of this rapidly increasing mode of transportation and the impossibility of adequately protecting the public by general legislative enactments, the details of classification and regulatory requirements are generally left by the legislative bodies of the several states to such commissions as ours, or those of like character, and such action is upheld by the court as a proper and constitutional method of meeting the new conditions arising, and to be neither a delegation of the powers of one department of the government to another, nor class legislation."

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Streets and Highways—Power of County to Grant Franchise.—The supreme court of North Dakota in a decision handed down March 6, 1926 (Morton County v. Hughes Electric Co., 208 N. W. 108), denies the authority claimed by the plaintiff to control the granting of franchise rights to public service corporations in the state highways within its limits. The plaintiff sought to enjoin the defendant from carrying its electric transmission line over the Missouri River upon a bridge known as federal aid project No. 100, the west half of which lies within the county of Morton. The state highway commission had granted the defendant a permit, so that the question of conflict of authority between it and the county was brought directly in issue. The court, in discussing the action, held that in view of the statute creating the state commission and giving it power to "determine the character and have general control and supervision of the construction, reconstruction, improvement, repair, and maintenance of all state highways . . . including all bridges" the county had neither authority to grant a franchise, nor to bring an action to enjoin the granting of such a right. Singularly, the court held further that no power to grant such a franchise had been given to the state commission. The conclusion to be drawn from the reasoning of the court is that the state highway commission is the proper party to contest the validity of the exercise of franchise rights in the public highways committed to its care, and in case it neglects or refuses to act, the responsibility rests only with the attorney-general of the state. The case will illustrate the serious conflict of jurisdiction which may arise in similar cases between local and state authorities and in some instances involve the regulatory power of the federal government as well.

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Legislative Control over Rate of Wages on Municipal Works.—In Connelly, Commissioner of Labor, v. General Construction Company, 46 S. Ct. R. 126, the supreme court of the United States declared invalid the statute of Oklahoma providing "that not less than the current rate of per diem wages in the locality where the work is to be performed shall be paid to . . . laborers, workmen, mechanics or other persons employed by contractors or subcontractors for the execution of any contract or contracts with the state," on the ground that it is so vague and indefinite as to violate the conditional requirement of due process of law. Since the decision in Atkin v. Kansas in 1903, 191 U. S. 207, the validity of statutes regulating the rate of wages on public works, whether of the state or of its municipalities, has been seldom questioned. In that case, the statute prescribed the same rule of ascertainment, but the question of its indefiniteness was not raised. In Ryan v. New York (1904), 177 N. Y. 271, a similar provision applicable to wages on municipal works was upheld, and the same language used in the statutes of several other states has been uniformly sustained upon the authority of Atkin v. Kansas. Justice Sutherland, who gave the opinion of the court, applied the same test as in his opinion in Adkins v. Children's Hospital, 261 U. S. 525, in which in setting aside the women's minimum wage law of the District of Columbia he said: "The standard furnished by the statute for the guidance of the board is so vague as to be impossible of practical application with any degree of accuracy." It will doubtless come as a surprise to those in charge of municipal contracts, that the prevailing rate of wages in the locality cannot generally be ascertained with practical definiteness. Mr. Justice Holmes and Mr. Justice Brandeis concur in the result but upon the ground that under the facts of the case no violation of the statute was proven. The effect of the serious limitation upon the police power of the states, especially as it affects the control over wages upon municipal contracts, will doubtless be far reaching. An extended review of this case appears in the *Harvard Law Review* at page 871 of volume 39.

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Annexation of Territory—Subjection of Agricultural Lands to Taxation.—In Wertz v. City of Ottumwa, 208 N. W. 511, decided April 6, 1926, the supreme court of Iowa adheres to the local rule long established, that agricultural lands included within a city are not subject to taxation for general city purposes unless it can be shown that the property proposed to be taxed derives a benefit from being within the corporate limits (Fulton v. Davenport, 17 Iowa 404; Durant v. Kaufman, 34 Iowa 194). The Iowa statute authorizes cities under certain conditions to annex contiguous territory by resolution of the council. The plaintiff sought an injunction on the ground that the statute is unconstitutional in that it permits the taking of property without compensation and violates the due process clause of the constitution. The court in affirming the decree of the district court in denying the injunction, applies the general rules that, in the absence of constitutional restrictions, the legislature has plenary control over the boundaries of its municipalities and may provide for their extension without the assent of the residents of the city or of the territory to be annexed. Property is not "taken" under the constitutional requirement of compensation when it is merely subjected, on a further contingency, to the liability of an increase in taxation (Sharpless v. Mayor of Philadelphia, 21 Pa. 147; People v. Mayor, 4 N. Y. 419).

The Iowa rule that agricultural property lying within the boundaries of a city may not be subjected to taxation for general municipal purposes, unless benefited thereby, is opposed to the great weight of authority (Kelley v. Pittsburgh, 104 U. S. 78). A rule similar to that adopted in Iowa was applied in Kentucky until changed by the constitution of 1890, which provided that taxes should be uniform upon all property subject to taxation "within the limits of the authority levying the tax" and prohibited the exemption of any property from taxation except so far as set forth in the state constitution (Briggs v. Town of Russellville, 99 Ky. 515).

GOVERNMENTAL RESEARCH CONFERENCE NOTES

EDITED BY ARCH MANDEL

San Francisco Bureau of Governmental Research.—The Bureau has taken part in the active discussion by civic and commercial interests of ways and means for improving street traffic conditions in San Francisco. Present plans contemplate the organization of a self-constituted citizens' commission, representing all interests affected in any way by street traffic to be self-financed and to provide for a scientific survey of the traffic situation in its entirety under the direction of some recognized expert.

L. R. Merrick has resigned as field representative of the Bureau to become secretary of the Astoria (Ore.) Chamber of Commerce. E. W. Butler succeeds him.

The Bureau held one of its largest and most enthusiastic annual dinner meetings on May 26. Reports for the year were given and five trustees were elected.

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Kansas City Public Service Institute.—Dr. Joseph Harris, who has been making a nation-wide study of registration for election for the Social Science Research Council, has been retained by the Public Service Institute and the Civic Department of the Chamber of Commerce for the past two weeks to make a study of registration in Kansas City and to draft a permanent registration bill. It is expected that this bill will be presented to the next session of the legislature. The general support which this bill is receiving in Kansas City indicates that it should have a good chance of being adopted.

The other work of the Institute for this month includes budget work, county government study, and beginning of work on a street cleaning study.

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New Bedford Taxpayers' Association.—The New Bedford Taxpayers' Association is just getting started in its work, and is now preparing a general study of the organization of the different city departments, which will be published in the near future as an explanation of the budget figures for 1926.

Studies have already been made of the sinking fund surplus, which will be turned over to the sinking fund commissioners in the near future with definite suggestions for the use of the existing surplus. It will be necessary to obtain legislative sanction for the use of this money, and that cannot be done until next winter's session of the legislature.

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The Taxpayers' Association of New Mexico.—The principal work of the Taxpayers' Association in New Mexico for the next three months will be in assisting in the preparation of county and municipal budgets. Representatives of the Taxpayers' Association visit all counties and as many cities, towns, and villages as possible. They prepare the budget for each locality and bring a copy of it to the state tax commission. These representatives also sit with the state tax commission during the hearings and assist in the determination of the necessary tax levies.

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Cincinnati Bureau of Municipal Research.—John B. Blandford, lately secretary of the Bureau of Research of the Newark Chamber of Commerce, has been selected as the director of the Cincinnati Bureau of Municipal Research, which was reorganized and began operating on June first. The stage is set for a large and active program and our best wishes go to Blandford. The Ohio group is particularly glad to welcome him to the state.

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The Committee of Seventy.—The Committee of Seventy of Philadelphia, of which E. T. Paxton was recently made director, is an organization which has been in existence for twenty-two years. According to a bulletin just published, this organization has done considerable work for clean elections by investigating frauds, following up complaints of various kinds, and aiding in obtaining registrars and inspectors. It is also preparing a program of election law revision for the next session of the legislature. The Committee also watches the operation of the city charter, opposing undesirable changes.

MUNICIPAL ACTIVITIES ABROAD

EDITED BY W. E. MOSHER

National Air-Ways.—The beginning of the year 1926 marks a complete fusion of the two important companies organized for air transport in Germany. At the same time a provisional council of control was appointed which would exercise supervision over the development of the policies and administration of the new organization. Both the imperial government and that of the several states are represented on this council but do not have a majority. Their right of representation is based first upon their subventions and second upon their interest in the expansion of the air service.

Since the private companies are dependent upon the co-operation of the cities largely through subventions that take the form of landing fields, it is urged that the cities should also be represented upon the council of control. Of the forty landing fields now in use, about thirty are in the possession of the municipalities or of local companies to which the municipalities have contributed the area for landing places and, in some instances, buildings and street approaches.

Some space is devoted to discussion of the type of contributions that should be made in the future for the purpose of proper development of this important means of communication. Subventions from the major units of government, that is, the empire and the various states, are determined according to the number of kilometers flown and are at present paid at the rate of two marks per kilometer. The effort is being made to reduce this amount so that in the course of three years this support may be entirely withdrawn. The subventions from cities or the other units of government are in the form of a guarantee for certain lines and are customarily handled through regional associations of representatives of the different local units. At the present time such payments amount to about as much as those made by the empire.

The growing interest among both the governmental authorities and the public operators springs from the conviction that air transport is to play as important, if not a more important part, in modern civilization as the railroads did in the development of the 19th century.—*Zeitschrift fur Kommunalwirtschaft* (Berlin).

Municipal Heating.—The high cost of fuel in Germany has recently given a very decided impetus to centralized heating under municipal auspices. The development since the war has been so marked that Dr. Kuhberg, who designed the heating plant of the technical high school in Charlottenburg, Germany, maintains that it will not be long before houses will be supplied with heat in the same way as they are now supplied with water, gas and electricity. The amount of heat will be metered in the same way as with these other household necessities. In the main, the most advantageous arrangement seems to be a combination of power and heating plants. By this means it is claimed that the utilization of the heat units in coal can be increased from 20 per cent to 80 per cent.

In some cities there has been a tendency to use electrical plants situated in the heart of the city which have been more recently supplanted, or supplemented, by plants in the outlying districts, for the purpose of generating heat to be supplied to public buildings, factories and private residences. A number of the most important cities, however, have already built municipal heating plants or have buildings in process. Among these are Hamburg and Kiel.

In several cities excess steam from turbines and high pressure boilers is utilized. It also seems possible to make more and more use of the gases liberated in the manufacture of heating and illuminating gas and in burning garbage and the like.

There are no statistics which conclusively prove the success of these enterprises in Germany on a strictly economic basis. So far as is known, the cost of municipal heat is lower than the cost of generating the heat in individual houses or other buildings. The elimination of the unpleasantness and labor involved in heating separate buildings is not considered in this estimate.

It is recognized that public heating is only at the beginning of its development and that both expense and technical problems must be solved before it is universally adopted.—*Danziger Statistische Mitteilungen* and *Zeitschrift fur Kommunalwirtschaft* (Berlin).

Self Insurance for Public Authorities.—The president of the Mutual Society of Public Administration Insurance, Senator Seeliger of Belgium, summarized in a public statement last March the achievements and plans of this organization which got under way in 1919. According to a statement the annual premiums for 1926 amounted to over a million and a half francs. The success of the system is measured by the increasing number of local governmental units affiliating themselves with it and the absence of any defections; further, by the fact that in the division of fire insurance something like 450,000 francs have been returned on the premiums within the space of six years.

The special desirability of insurance against accidents is due to a law of 1903 which requires that the employer be responsible for accidents suffered by employees in the course of their work, even when they themselves may be to blame. This effects not alone manual laborers but any workers on the payrolls of the local government authorities.

Recent developments within the past year have been in building up the divisions of pensions and of accident and health insurance.

It is pointed out that these various fields are handled on a strictly actuarial basis, that there is no profit at any point, that the administration permits of flexibility in the handling of funds and determination of benefits according to the desires of individual communities so long as the latter do not run counter to sound insurance policy and further that the administration is carried on by a limited number of employees having a single inspection.—*Mouvement Communal* (Brussels).

⁂

Joint Personnel Councils.—A movement is under way for the organization of joint personnel councils in the local government circles of France. In this the central government is supplying the model. The movement has the backing of the minister of the interior, who recently addressed a circular to the prefects of the various departments. The councils are to consist of an equal number of officials on the one hand and employees and workers of the local units, who are to be designated by the prefect or the Association of Mayors, on the other.

The council is to be authorized to take up any matters of common interest, but especial attention is given to the importance of standardizing working conditions and salary rates. The desirability of having the latter determined with reference to the cost of living is discussed at some length. Agreements on the above matters are not obligatory. The minister of the interior affirms his confidence that the municipalities will take satisfaction in heeding the conclusions of the council.

A further question that was especially emphasized was the possibility of co-operation between the councils in various local units, whereby employment could be secured for those employees who might be dismissed on account of reduction of force or for some minor difficulty or fault.

The minister of the interior concludes his communication with the following words, "I count upon your absolute co-operation in realizing my set purpose in this direction."—*Les Sciences Administratives* (Paris).

⁂

Voting and Non-voting.—Detailed statistics have been brought together by the statistical bureau of Danzig with reference to the number of votes cast at the 1924 election for local representatives in the rural districts of Danzig. These data show, among other things, the distribution of votes cast for the various parties. Of special interest is the percentage of eligible voters who actually voted in 1924. The total figures cover 249 townships with the eligible list amounting to 62,839. Of this number 40,671 people cast ballots in the election. This is 65% of the total number. A supplementary table indicates the number of seats which fell to the different parties both in 1920 and 1925.—*Danziger Statistische Mitteilungen.*

⁂

A Modern City.—The German-Austrian League of Municipalities is the sponsor of a new work of three volumes entitled "Modern Vienna" (Das Neue Wien). Some of the foremost officials in Austria and Vienna have participated in the preparation of this very comprehensive work. According to the advanced announcement, it is a four volume production, profusely illustrated and selling at $7.50 a volume. Judging from the table of contents, there is brought together here, in a most comprehensive way, the story of what a thoroughly socialized city is attempting to do in these post war years. From the advance notices the work would appear to give a very thoroughgoing review of the organization, functions and activities of a modern European city.

NOTES AND EVENTS

Cincinnati Boss "Retires".—The "retirement" of Rud. K. Hynicka as leader of the Cincinnati Republican organization presents a paradox. Contrary to received opinion he is going out not because he has been bossing but because he has not been.

For years he has reigned but not ruled. Not that he has been like the present kings of the earth, a puppet in the hands of a strong man. No, he has had no master, and what is more he has not been one.

Age has not affected Mr. Hynicka's intellectual power. He is now doing more and better work than at any time in the sixty-seven years of his life. But it is not in the field of politics. Increasingly he has given the best of his energies, not as of old to politics, but to business, to his theatrical and out-door amusement enterprises.

Again he has seldom been in Cincinnati, spending the greater part of his time in New York City where he maintains a home as well as an office. Thus both in engrossment and in residence he has been away from the arena of Cincinnati politics.

Politics is a jealous mistress, and especially is this true of practical politics. A potent boss cannot do other than boss. He must consent to be absorbed in the machine he directs.

Senàtor Penrose, of Philadelphia, shortly before his death said: "We have 20,000 Republican workers who bring out the vote and carry their precincts. I must know these men, and they me, what they are doing and how. I must always be on the job. If not, I am gone."

Thus it is that the Cincinnati Republican organization suffers not from too much bossism but from too little. Mr. Hynicka has not been on the job in the Penrose sense. There has been an absence of direction and of discipline. There has been lacking that instant, definite, sure but discerning action demanded by so militant and comprehensive an art as politics.

So the ever present seeds of dissension and indifference have sprouted. Stagnation and enfeeblement came. Jealousy, back-biting and double-crossing were manifested by ward captains. This because no boss was around to compose differences, to guide, to admonish, and if need be punish. Careerists cavorted around and individual ends surplanted the interest of the group, the gang ceased to be all here.

Culturally the Cincinnati Republican organization declined. Its leaders did not keep up recruitment of the highbrow unit. Hence when the new charter was offered two years ago with its provisions for a city manager and proportional representation, the organization had no intellectual acquainted with the literature of the subject and qualified to cope with the question on the stump or in the press.

And when the matter of candidates came up last fall in the councilmanic election there was hesitation and doubt, wavering and delay, want of knowledge what to do and how to do it under the P. R. system of voting.

I believe Hynicka's retirement from politics is on the level. Secretly it is thought he has desired for some time to get out of politics. But as everyone acquainted with the game knows it is no easy matter to relinquish leadership, and particularly so when no successor is agreed upon.

With the flare-up caused by his announcement and the mobilization of party reformers to wage battle in the Republican primary on August 10, be it known against not Hynicka but "Hynickaism," there has been a revival of activity by the organization workers.

Confronted with loss of control of the organization itself and not a mere defeat at a general election, there is a marked stiffening of lines, a getting up on toes, and a re-dedication to the motto of the Blaine Club: "vim, vigor and victory."

It is too early at the time of this writing to make a prediction of the result of the primary. With its back against the wall the organization may fight with its now traditional determination and resourcefulness. But decadence and division may have gone too far.

So if the present opposition to the organization is not so impressive as on frequent occasions in the past quarter century, neither is the organization so formidable. This gives evenness to the combatants.

Alfred Henderson.

Cincinnati Times-Star.

The Battle of the Bill Board in Massachusetts.—Whatever the utility of outdoor advertising may be, it differs from other forms of publicity like newspaper and magazine advertising in that it is carried on within public view. For this reason it seems clear that it should be subject to careful regulation. Structural restrictions of bill boards, designed to secure their stability, and to prevent them from sheltering litter or disorder, or unduly hindering the access of light and air, are well established in this country. There is a growing feeling that regulation should go farther. Bill boards if wrongly designed, or, whatever their design, if wrongly located, are an offense to the eye, and the public is beginning to demand that this offense should be forbidden by law.[1] Regulations for this purpose are to be found in all other progressive countries. Many efforts have been made to obtain legislation to this end here; but quite generally it has been held by our courts under our unamended state constitutions to be an unconstitutional infringement on private rights.[2] In the movement to obtain such regulations by a change in this respect of its constitution, Massachusetts is the pioneer, having passed, in 1918, an amendment[3] providing that "Advertising on public ways, in public places and on private property in public view may be regulated and restricted by law."

After some difficulty and delay, legislation under this amendment was passed and regulations in accordance with it were enacted by the department of public works of the commonwealth and by the town of Concord.[4] The bill board interests have obtained a temporary injunction in the state court against the enforcement of these regulations. The constitution of the United States contains a clause[5] protecting private property similar to that in the Massachusetts state constitution,[6] and if defeated in the state court, the bill board people, it is generally understood, will carry their case to the supreme court of the United States. In defense of the amendment a Massachusetts Bill Board Law Defense Committee has been organized and has issued an appeal for funds.[7]

It seems probable to the writer that the defenders of bill board regulation will succeed in the Massachusetts courts. They appeal to the police power of the state, for the health, safety and general welfare of its citizens. The police power is a power expanding with the growing need of it under modern conditions. The position of the Massachusetts courts on similar questions such as zoning[8] has been progressive and we have no reason to fear that they will be any less so with regard to outdoor advertising. And if successful in the state courts there is little reason to fear defeat in the supreme court of the United States, which, in such cases, has so far almost without exception upheld the determination of the highest courts of the states.[9]

Frank B. Williams.

⁂

Seattle's Charter Commission Reports.—Those who read Mr. Van Nuys's interesting article in the June Review will remember that while the city manager charter was voted down on March 9, the proposition to revise the charter, through the agency of a commission of freeholders, was approved. The freeholders have now published their proposed charter calling for a city business manager but violating in some important respects the accepted principles of city manager government. It will be recalled that the fifteen freeholders elected were the first to file as candidates and that during the campaign they announced that, although they were opposed to the city manager amendment then before the voters, they were not opposed to the city manager plan with certain objectionable features removed.

---

[1] See Williams, "Law of City Planning and Zoning," Macmillan Co., N. Y., 1922, p. 396.

[2] The importance of the subject warrants the mention here of the fact that the Municipal Art Society of New York has issued a bulletin by the writer of this note giving a list of the statutes in this country regulating outdoor advertising. The bulletin is entitled "The Regulation of Outdoor Advertising by Law." It was originally issued in February, 1926, and is now in second edition.

[3] Art. L.

[4] For further particulars see Bulletin No. 15 of the Massachusetts Federation of Planning Boards, issued September, 1924, entitled "Legal Regulation of Bill Boards."

[5] Amendment XIV. . . . nor shall any state deprive any person of life, liberty or property without due process of law. . . .

[6] Part I, Article 10.

[7] "The Bill Board Interests Assail the Law and Constitution of Massachusetts—Defense Committee Organized—What Can We Do About It?"

[8] This is shown in a remarkable group of cases on the subject: Inspector of Buildings of Lowell v. Stoklosa, 250 Mass. Reports, 52; Brett v. Building Commissioner of Brookline, 250 Mass. Reports, 73; Bamel v. Building Commissioner of Brookline, 250 Mass. Reports, 82; Spector v. Building Commissioner of Milton, 250 Mass. Reports, 63.

[9] See Williams, "Law of City Planning and Zoning," p. 22.

The new charter proposal provides for a city council of fourteen to be elected at large but to be nominated by districts. The mayor, the city comptroller, the city treasurer, and the corporation counsel are to be elected at large. The city manager is to be appointed by the council which also appoints the library board, a police commission to have charge of the police department, a civil service commission, and a welfare commission to have charge of recreation and welfare. The city manager will appoint ten division heads although he will be unable to remove the commissioner of health without the consent of the council.

Although the mayor is elected by popular vote he is given little power other than of a ceremonial nature, except perhaps his membership on certain ex-officio committees. It will be seen that the effect of the charter is to diffuse authority. Doubtless the city manager will be held popularly responsible for the work of the city government although important matters such as the police department and the purchasing agent are outside his control. Purchases will be made by a board of contracts and control consisting of the mayor, the manager and the treasurer.

The city manager will share budget making power with the mayor and the comptroller. The three comprise the budget committee whose duty it is to receive the estimates and prepare the budget document for consideration by the council.

Obviously, the charter commission has delivered itself of a compromise document and it is difficult to share the optimism which they express over the product of their collective wisdom. How the police department, which in the words of the chairman of the charter commission "has been a prolific source of unseemly controversies to the disturbance of municipal business, and with baneful effect upon the good name of the city throughout the nation," is to be taken out of politics (as he states it will) by the time-worn expedient of an independently elected board is not clear to at least one distant reader of the new document.

The Seattle Municipal League, which sponsored the simple manager form at the election on March 9, has criticised sharply the complexity and diffusion of power contemplated in the charter commission's proposal.

New York Prosperity Not Dependent upon Population Congestion.—At a meeting on May 25 called by the Regional Plan of New York and Its Environs to hear a description of the preliminary plans for development of the New York region, Thomas Adams, general director, pointed out that the greatest need in planning is the control of land development and of the use, height and density of buildings. New York must be prepared to go further in zoning before it can arrest the evils of congestion. He took issue with those who claim that Manhattan cannot afford to provide ample street space for freedom of movement and ample areas for outdoor recreation for its young people. The prosperity of New York as a whole, and of Manhattan as a part of New York, does not depend upon an artificially created condition of congestion in the central areas at a time when there is plenty of space within reasonable commuting distance of the center.

Mr. Adams pointed out that decentralization of resident population has not proved a solution to congestion.

"You cannot correct congestion and you may increase it," he said, "by more transit lines and more commuting suburbs. Industry must be evenly distributed as well as population. Considerable areas of Manhattan must be conserved for residence in any balanced system of growth. Downtown Manhattan has probably reached the peak of its business intensity and large areas in the lower East and West Sides should be converted into residence. Some of the deteriorated parts of the city are so because of ideas being held as to their potentialities for uses they are never likely to have.

"The transportation and transit plan must follow lines that will help in promoting more balanced growth and in creating several centers. There is too great a tendency to focus every new transit facility on Manhattan. New centers should be encouraged to grow in the suburbs. Brooklyn is one that is well established. Queens and Bronx need to be further developed as main business centers looking only to Manhattan for special needs. Rapid transit and railroad belt lines should be developed so as to create larger centers in Staten Island, in Nassau County, and in New Jersey."

◆

Enumeration of Laws Reorganizing New York State Administrative Departments.—The constitutional amendment adopted in New York state at the election of 1925 provided for the consolidation of the administrative activities of the state into not more than twenty departments. The work of the Hughes Commission in carrying out this amendment was described in the May issue by Richard S. Childs.

As we promised our readers at that time we list below the legislative acts passed by the recent legislature to give effect to the Hughes recommendations. The enactments constitute Chapter 78 of the Consolidated Laws, to be known as the State Departments Law. The following list gives for each act the chapter number of this year's session laws with the article number of Chapter 78 of the Consolidated Laws in parentheses:

Executive Department....	Ch. 548	(Art. 2)
Department of Audits Control..................	Ch. 614	(Art. 3)
Department of Taxation and Finance...........	Ch. 553	(Art. 4)
Department of Law.......	Ch. 347	(Art. 5)
Department of State......	Ch. 437	(Art. 6)
Department of Public Works	Ch. 348	(Art. 7)
Department of Conservation..................	Ch. 619	(Art. 8)
Department of Agriculture and Markets...........	Ch. 646	(Art. 9)
Department of Labor.....	Ch. 427	(Art. 10)
Department of Education..	Ch. 544	(Art. 11)
Department of Health....	Ch. 349	(Art. 12)
Department of Mental Hygiene.................	Ch. 584	(Art 13).
Department of Charities...	Ch. 651	(Art. 14)
Department of Correction.	Ch. 606	(Art. 15)
Department of Public Service...................	Ch. 350	(Art. 16)
Department of Banking...	Ch. 352	(Art. 17)
Department of Insurance..	Ch. 353	(Art. 18)
Department of Civil Service	Ch. 354	(Art. 19)

* * *

Detroit Street Railway Financing.—The department of street railways asked council to authorize a bond issue of $4,000,000 with which to buy needed street cars and busses. The authorization was refused because the city is too close to the seven per cent bond limit imposed by the laws of New York state, and because such an issue would crowd the annual budget beyond the two per cent limit imposed by the city charter.

In council it suggested that the D. S. R. might meet its requirements by issuing mortgage bonds. The charter specifically provides that such bonds may be issued by a vote of the people. These bonds if voted are a lien against the property of the department and not against the faith and credit of the city, and must be supported by a franchise which in case of default becomes the property of the bondholders. The street railway authorities apparently thought this step inadvisable; at least the request for a bond issue was withdrawn.

However, this proposal for mortgage bonds may eventually serve as a method of reducing the unusual financial burden under which the D. S. R. labors. At the present time there are $23,551,000 of street railway bonds outstanding, the interest and sinking fund charges of which must be met from street railway earnings. In addition, the purchase contract with the D. U. R. now amounts to $13,580,000. On this contract it is necessary for the department to pay $1,000,000 a year and at the same time to set aside in a sinking fund a sum, which, with interest earned, will be sufficient to make a final payment of the $7,580,000 in 1931. It is not the interest requirements, but the necessity of paying off the D. U. R. in so short a period of time, that embarrasses the department.

The book value of the D. S. R. is in the neighborhood of $53,000,000, the equity of the city being about $10,000,000. On this valuation it might be assumed that sufficient mortgage bonds could be issued to retire the contract with the D. U. R., thus substituting a reasonably small sinking fund charge on the mortgage bonds in place of the heavy payments required on the contract. The balance of the bonds might be used for such improvements as appear necessary. —*Public Business.*

* * *

The $54,750,000 Bond Authorization in Philadelphia.—On May 18, the voters of Philadelphia, by votes approximating 244,000 for and 78,000 against, approved three separate propositions for the creation by the city of loans totaling $54,750,000—$35,500,000 to mature within 50 years, $12,600,000 within 30 years, and $6,650,000 within 15 years.

Of the total, $24,000,000 is to be used toward the construction and equipment of the Broad Street subway; $7,300,000 is for the opening, grading, and paving of streets; $4,500,000 is to be applied to the construction of sewers; $3,000,000 is to be used toward the construction of a sewage treatment plant; $2,100,000 is set aside for wharves; $2,000,000 is to be applied toward the construction of a hospital; $4,000,000 is to be used toward the building of a convention hall; $1,750,000 is earmarked for bridges; $1,000,000 is available toward the construction of a city hall annex; $1,000,000 is for the removal of grade crossings; $1,000,000 is for the construction of buildings under the department of public welfare; $1,000,000 is for the beautification of the banks of the Schuylkill River; and the remaining $2,100,000 is divided among seven small items.

In addition to authorizing the creation of these loans, the voters approved three propositions to change the purposes for which certain money, totaling slightly over $2,530,000, previously had been authorized to be borrowed. These propositions provided for using $1,352,000 toward the construction of a convention hall, instead of toward the construction of a "Victory Hall"; $750,000 toward the improvement of certain highways, instead of for the construction of surface transportation lines; and slightly over $431,000 toward the abolition of grade crossings, instead of for the abolition of particular grade crossings.

J. Howard Branson.

✣

Bond Issues Approved.—The people at the spring elections seem to have been in a favorable attitude towards proposed bond issues. Note is made above of the $55,000,000 bond authorization in Philadelphia. On the same day Pittsburgh voters approved bond issues aggregating $19,902,000. The largest items were for street improvements and waterworks improvements. The Pittsburgh Chamber of Commerce endorsed the whole amount of the issue.

Chicago in its spring primary approved bonds amounting to $19,070,000. The bulk of this issue, or $12,545,000, went for street improvements. The Chicago Bureau of Public Efficiency approved the proposals with two minor exceptions, one of which was an issue of $250,000 for the installment of traffic control signal lights which the Bureau believes should not be paid for from loans.

✣

Syracuse University Summer School in Social Sciences.—The School of Citizenship and Public Affairs of Syracuse University is holding a six weeks' summer school, June 18–August 4, in the social sciences, open only to teachers or prospective teachers in secondary schools. There will be special courses in all the social sciences and one course in their integration. Supplementary features include evening discussions in methods of community surveys and weekly faculty round tables on special subjects which will be attended by the students as observers on the sidelines. The right to join in a discussion is an exclusive faculty privilege. It is thought that the students through observing the faculty thus in action will gain an appreciation of the complexity of social subjects and of the cause and effect relationship between social phenomena.

✣

San Francisco Municipal Railway Employes Granted Wage Increase.—The platform men on the San Francisco street railway have been granted a wage increase of forty cents per day. Although the employes in all classes had asked for an increase of sixty cents per day, those other than the platform men were granted no increase whatsoever. Readers of the Review will recall that a committee of the board of supervisors originally recommended that no increase be granted on the ground that it would lead to a deficit in the operation of the railway. Upon a re-hearing, however, the committee reported that if the board of public works, which has supervision over the compensation of municipal employes, saw fit to grant an increase of forty cents per day, the supervisors would pass the required legislation for a bond election for two million dollars to be applied to new construction and depreciation.

A great deal of the controversy turned upon the estimates of revenues supplied by various accountants; but according to the San Francisco Bureau of Governmental Research, current revenues, even if they fulfill to the most optimistic expectations of the accountants, will not be sufficient to meet the additional cost. The continuance of the five-cent fare under present conditions can therefore lead only to financial difficulties.

✣

Tennessee to Vote on Constitutional Convention.—The citizens of Tennessee will vote in August on the question of calling a constitutional convention. If the verdict is favorable the election of delegates will take place in November. Under the statute the proposed convention is restricted to consideration of nine subjects, the chief ones of which are the following:

Improvement of taxation and assessment systems.

County and municipal home rule.

Reduction in the membership of the general assembly.

Increase in the membership of the supreme court.
Authority for the supreme court to issue advisory opinions when requested by the legislature.
Four year term for governor.
Abolition of the fee system.
Easier amendment of the state constitution.

⁂

Boston Metropolitan Police District Proposals.—The Boston Chamber of Commerce is behind the suggestion of the attorney general for the creation of a metropolitan police district to replace the present large number of separate police units. Under the existing arrangement there is no proper co-ordination among the forty communities of the district. At present the Boston police force is under state control and the proposed metropolitan force would be no encroachment on any existing home rule powers of the city. The success of the metropolitan district controlling water, sewerage and parks, no doubt, suggests that similar good results will flow from a consolidation of police activities throughout the metropolitan area.

⁂

Cost of Water Waste.—The Philadelphia Bureau of Municipal Research estimates that the amount of water wasted each day in homes which have no meters reaches the staggering total of 26,000,000 gallons. This single source of waste costs the city more than a quarter of a million dollars annually and this sum does not take into account the leaks in a distribution system. Although the percentage of services metered is slowly increasing, seventy per cent still have no meters.

⁂

The Numerous Friends of C. A. Dykstra will be interested to learn that he has resigned as secretary of the Los Angeles City Club to become director of the personnel and efficiency division of the department of water and power of the city of Los Angeles. For a number of years Mr. Dykstra has been the executive of civic organizations reporting on the activities of municipal officials. It seems that he will now be compelled to take some of his own medicine.

⁂

Cost of Supplies.—Whether the commissioners of Hoboken, N. J., have acted upon recommendations made to them on December, 1925, by the Bureau of Municipal Research of the Chamber of Commerce we do not know. But certainly those commissioners were fortunate to have "An Analysis of the Cost of All Supplies and Miscellaneous Services of the 1925 Hoboken Municipal Budget" as a basis of their budget-making for coming years. This analysis, made under the direction of R. O. Huus, includes every department of the city government, item by item, comparing amounts for 1924 and 1925 budget and 1926 estimates, and shows the savings that might be effected. It is a very detailed piece of work that took months of time, and undoubtedly it is useful to the departments themselves as well as to the commissioners who are responsible for the final budget.—*Municipal Reference Library Notes.*

⁂

Ohio Election Costs Too High.—According to the Citizens' League of Cleveland, Ohio spends each year more than one million dollars in excess of what is necessary to conduct her elections. In 1924 the total cost of elections in Cuyahoga county amounted to $1.74 per vote. In 1922 the cost of the election in Cleveland was $1.87 per vote as against $.77 in Buffalo and $.71 in New York state outside New York City. In 1924 registration in Cleveland cost $.35 per vote; in Milwaukee, under her scheme of permanent registration, the cost in the same year was 8.1 cents per vote.

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AUDITOR'S REPORT

NATIONAL MUNICIPAL LEAGUE

Balance Sheet as at March 31, 1926

ASSETS

Cash in bank and on hand	$3,254.66
Accounts receivable	71.64
United States Third Liberty Loan 4¼s	600.00
Interest accrued on United States Third Liberty Loan 4¼s	25.50
Furniture and fixtures, less depreciation	512.62
	$4,464.42

LIABILITIES

Accounts payable—trade			$2,136.20
Portland fund			600.00
Surplus:			
Balance as at March 31, 1925		$3,634.04	
Deduct:			
Royalties receivable overstated on March 31, 1925	$132.47		
Excess expenditure over income for the year ended March 31, 1926	1,773.35	1,905.82	1,728.22
			$4,464.42

Revenue Account

For the Year Ended March 31, 1926.

Revenue—Dues:			
Annual			$5,505.83
Sustaining			2,040.00
Contributing			700.00
			$8,245.83
Contributions		$12,615.00	
Contributions—specific		4,999.96	
Subscriptions to the Review		2,102.94	
Sale of Review and other publications		3,895.25	
Royalties		124.18	
Services		95.25	
Advertising		132.00	
Baldwin Prize		100.00	
Interest on Liberty Bond—Portland Prize		25.50	
Interest on bank balances		37.59	24,127.67
			$32,373.50
Expenditure:			
Printing Review		$6,563.77	
Salaries—officers	$10,714.12		
Salaries—clerks	6,408.35		
		17,122.47	
Postage, telephone and telegraph		1,449.29	
Printing and stationery		3,391.46	
Traveling		607.83	
Rent		2,275.86	
Auditing		200.00	
Sundry supplies, books, etc.		359.18	
Press clippings		63.80	
Royalties		44.47	
Prizes:			
Baldwin	$100.00		
Portland	25.00		
		125.00	
Committee on Government of Metropolitan Areas:			
Salary	$1,374.96		
Traveling	391.45		
		1,766.41	
Bank charges		26.25	
Miscellaneous expenses		94.10	
Depreciation on furniture and fixtures		56.96	$34,146.85
Balance, being excess of expenditure over income			$1,773.35

Peat, Marwick, Mitchell & Co.,
Auditors.

40 Exchange Place, New York,
June 29, 1926.

NATIONAL MUNICIPAL REVIEW

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EDITORIAL COMMENT

Sacramento, California, has been the recipient of many generous gifts and in order to perpetrate this spirit of loyalty on the part of her citizens and to encourage prospective donors and to acquaint them with the needs of the city, she has recently passed an ordinance establishing an honor roll and memorial gift commission. It will be the duty of the commission to collect full and complete information regarding all public gifts and bequests which the city has received from its earliest history and to arrange for the appropriate memorialization of the names of the donors. The commission will also conduct educational campaigns to persuade others to emulate the spirit of those who have already honored their city and themselves by public gifts.

*

The Missouri supreme court has recently ordered the St. Louis board of estimate and apportionment and the board of aldermen to pay over to the men in the fire department a lump sum amounting to about $315,000, representing back pay which the city authorities had refused to appropriate. More than a year ago the people of St. Louis adopted an initiated ordinance increasing the pay of firemen from $155 to $180 per month. The city council refused to pay the increased wages claiming that the ordinance was not lawfully adopted and was unreasonable and void. The supreme court decided against the city on each point and about 900 firemen, from the lowest grade to captain, will receive approximately $350 each, as back pay accumulated during the fourteen months the matter was pending.

*

The Minneapolis city manager charter, noted in this department in the July REVIEW, was defeated at the election on June 21 by a two to one vote. Our readers will recall that the charter provided for the election of the council by proportional representation. A feature of the charter not so commendable was the proposed board of financial review which would have had the power, on petition of one hundred taxpayers, to veto or reduce appropriations, tax levies and bond issues authorized by the council.

The charter campaign attracted but little interest. While Minneapolis' government is reported to be far from efficient, no gross wastes or scandals have been uncovered recently and the average citizen seems content with things as they are. While he may grumble over his taxes he remains unwilling to exert the energy needed to institute a change for the better.

Professor Tooke in his judicial decisions department in this issue calls attention to two recent zoning cases which will be of interest and significance to all who are following the course of zoning through the courts.

In North Dakota the courts sustained a refusal to grant a permit to build a four family house in a two family district and in violation of the set-back and side yard provisions. The court called attention to the fact that the ordinance was based upon the standard enabling act already adopted in twenty states and found that the restrictions upon building imposed by the ordinance were a sound exercise of the police power.

The decision of the Georgia supreme court denying the right of the city of Atlanta to prohibit retail stores from residence districts is more closely in line with the attitude of the courts of Texas and New Jersey. The Georgia court finds that the state statute authorizing Atlanta to zone and the zoning ordinance enacted thereunder are invalid in so far as they seek to establish use districts from which stores are excluded.

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Baltimore is to be congratulated upon the adoption of a sound retirement system for the municipal employees. The system is described in this issue by George B. Buck, who acted as consulting actuary to the Baltimore Retirement Commission. It supplants several existing retirement plans of limited scope and covers all civil servants with the exception of policemen. Both the city and the employees contribute jointly to the support of the system.

Pension systems are expensive and unfortunately many existing plans were set up without due regard to the actual cost of administration. Baltimore is one of the few cities which have profited by experience and in adopting her present system she has made careful estimates of the cost involved, not only in the immediate future but in the distant operation of the system. There is no reason to suppose that the condition of her pension fund will not be as sound thirty years hence as it is today. Few people will dispute the propriety and advantages of a sound retirement system for our public employees and it is time that those jurisdictions which have not maintained their funds in a sound condition based upon correct actuarial computations should at once proceed to renovate them.

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Is the Skyscraper Doomed?

The skyscraper, so generally considered as the hall-mark of a real city, is meeting serious opposition in the very metropolis in which it has attained its greatest development and fame. Henry H. Curran, counsel of the New York City Club, is the latest to draw an indictment against the tall building. The skyscraper, he declares, increases congestion beyond the ability of transit facilities to cope with it and is a menace to health and welfare. He proposes that no more structures higher than ten stories be permitted on Manhattan Island. Arcaded streets, staggering the rush-hour crowds, and present zoning set-back regulation for high buildings are all dismissed as "court-plaster palliatives." The only solution is to banish the skyscraper entirely.

In recent years the conviction has been growing that in large cities transit facilities can never keep pace with unregulated real estate development; that each new transit service merely increases the congestion which it was expected to relieve.[1] New subways raise land values, high land values stimulate construction of tall buildings, and the consequent congestion is reflected in further increases in land values. The vicious circle is begun. It cannot be broken through except by a stroke at the real heart of the difficulty, the present unregulated and anti-social utilization of land. The zoning of today is probably but a suggestion of the scope which regulation of the future will assume.

"High buildings," says Thomas Adams, general director of the Regional Plan for New York and Its Environs "have not yet begun to cause the amount of congestion that will come inevitably if skyscrapers continue to be built; 1,700 skyscrapers out of 97,000 buildings (the present proportion in Manhattan) is not a large proportion. But what will happen to Manhattan when the number of skyscrapers is multiplied by ten or by twenty?

"The amount of land you have for traffic and for handling the business that these buildings develop remains the same; right now, it seems, we have more than reached the saturation point in ability to handle this traffic. Continue to erect skyscrapers and fill them with more people, and it means more trucks, more automobiles, more movement, and the condition becomes a hazard to life and health."

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The Phantom Public

Mr. Lippman in his newest book[2] has made a direct assault upon the conventional democratic ideal which cannot be laughed off. The ideal, roughly stated, is that it is possible for Mr. Average Citizen, by the expenditure of a reasonable amount of energy and guided by a good conscience, to exercise an informed and authoritative judgment upon all public matters, and that the collective opinions of such persons constitute a true public opinion which can be revealed by the ballot box. This, Mr. Lippman says, is not so; the sort of public opinion which "mystical democrats" presuppose simply does not exist. Government is to-day a mass of complicated technical tasks and the trouble with the conventional theory is that it assumes an increasing round of civic duties which the citizen has not "the time, the interest or the knowledge" to perform. The ideal is harmful because it is unattainable, because it is untrue.

Since public opinion cannot be a creating force directing society to deliberate ends, is there any useful function that it can perform? Mr. Lippman thinks that there is. Society is a network of conflicting interests. A system of rules, of rights and duties, exists to regulate the antagonistic purposes of men. But rules grow obsolete, become defective and must be mended. Although the public cannot have special knowledge of why a certain rule is defective and how it should be altered, it is deeply interested in the maintainance of a régime of rule. Although a bystander so far as a grasp of the complicated issues are concerned, it can recognize if and when a rule becomes unsound and can decide which actor in a controversy, which of the contending interests in society with respect to the questionable rule, is most worthy of support. While it cannot propose a new rule it can exchange the Ins for the Outs.

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[1] See article by Daniel L. Turner in the June Review as well as article by C. A. Dykstra in July Review.

[2] "The Phantom Public," by Walter Lippman, Published by Harcourt, Brace Co., New York.

To quote the author:

> To support the Ins when things are going well; to support the Outs when they seem to be going badly, this . . . is the essence of popular government.

The outlook may seem pessimistic. If Mr. Lippman is right, many constitution makers and governmental reformers are living in a dream world. Clearly there is no hope in more get-out-the-vote campaigns, even if they should be successful in doubling the number of ballots. Do forty million ignorant voters possess any greater virtue than twenty million? The answer would seem to be no, and it is possible that the falling vote is a symptom of the false basis of the traditional democratic theory of government. In any case, thoughtful persons will not let the matter rest with shallow arraignments of the moral degeneracy of the modern citizen.

Members of the National Municipal League are becoming increasingly worried over the difficulty of interpreting today's complex and highly specialized municipal activities to the voter. Eight hours a day for six days a week will not suffice to give an intelligent person any exact comprehension of what our local and national governments are doing. Even elementary standards of judgment are wanting, although budget students have for several years been calling attention to our inability to translate budget figures into items of service rendered.

In his address before the Pittsburgh meeting of the League,[1] Mr. Lippman confessed that even a man paid to devote his time to it could not keep abreast of what the New York city departments were doing. Political machines are therefore inevitable but they must be kept in line and can be persuaded to make reform their own. Two external agencies, however, are necessary; an independent newspaper and a well-financed independent fact finding agency. The bureaus of municipal research, which will this year celebrate the twentieth anniversary of the birth of the idea, are well fitted to meet the specifications for the fact finding agency. They are not yet "well-financed" but they are careful, impartial, scientific and independent.

We need more *independent* fact finders. No other sort of "fact finder" will serve. The tariff commission has received some attention lately and the charge has been made that the "finders" have been selected with a view to the "facts" they were to find. May heaven preserve us from fact-finders such as one prominent congressman wants on this commission.

". . . We ought to have a commission," he says, "a fact-finding commission, that is in sympathy with the Administration. Now, when the Democrats are in power, whether they hold the idea of free trade or a tariff for revenue only, they ought to have a commission that is in sympathy with their policy. On the other hand, when the Republicans are in power, and have a policy, that has ever been the foundation stone upon which its success was held, for protection of American industries and American labor, it ought to have a commission that is in sympathy with that policy."

"Sympathetic" facts are not the sort to which Mr. Lippmann refers. Let us preserve a distinction between facts and propaganda.

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[1] See NATIONAL MUNICIPAL REVIEW for January, 1926.

RELATIONS BETWEEN THE GOVERNOR AND THE LEGISLATURE IN THE MODEL CONSTITUTION

BY HOWARD WHITE
Ohio Wesleyan University

The Legislative Council, proposed in the Model Constitution of the National Municipal League, will not work as its designers intend.

SEPARATION of powers is a principle generally accepted by American constitution makers. Consistent application of the principle is probably hardest in creating the law-making power. Assuming that law-making should be distinct from law-enforcing, the practical sense of constitution framers has nevertheless forced them to deal with the fact that often the advice and experience of those administering the law is essential to those who would make new law. Accordingly, the executive has been authorized to send messages to the legislature and checks have been put in his hands to protect his powers from legislative encroachments.

Friction between the two branches in the performance of their respective law-making functions has characterized the resulting arrangements. To establish more harmonious relations it has frequently been proposed to give seats in the legislature to the principal executive officers.[1]

It seems to the writer, however, that the existence of legislative and executive branches, each with constitutional powers beyond the control of the other, makes impractical any plan for establishing closer co-operation between them by merely giving cabinet members the privileges of introducing bills and participating in debate. To expect popularly-elected law-makers to surrender their own initiative and follow a program of legislation prepared by a cabinet over which they have practically no control seems to disregard some elemental characteristics of human nature.

PROPOSED LEGISLATIVE COUNCIL

Apparently realizing that to give legislative privileges to department heads appointed by the governor is not an adequate means of securing laws satisfactory to both branches, the committee on state government of the National Municipal League, in its draft of a model state constitution, not only proposes to give the governor and heads of departments, whom he appoints, seats in the unicameral legislature with the privilege of introducing bills and taking part in the discussion of measures, but also provides for a legislative council.

This council is to be composed of the governor and seven members elected from and by the legislature by a system of proportional representation. The council may be dissolved at any time by a majority vote of the legislature. A new council must then be elected. It is intended "that the council shall be a continuous body, gathering material, preparing the legislative program, and drafting measures for introduction in the legislature at the next session. . . . In so far as a legislative program is concerned, the council should render a service to the legislature not unlike that now provided by the cabinet under the parliamentary form of government."

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[1] The writer has examined various alleged reasons why cabinet members were excluded from the first congress under the constitution in chapter IV of his monograph, *Executive Influence in Determining Military Policy in the United States*, Vol. XII, University of Illinois Studies in the Social Sciences, nos. 1 and 2.

There are obvious similarities between the proposed council and the legislative duties of a parliamentary cabinet. But the differences are so fundamental that it does not seem reasonable to assume that results will be similar. The first difference to be noted is that the council is to contain not only the leaders of the majority in the legislature but of the minority as well, since it is to be elected by proportional representation. Hence, there would probably be two programs of legislation and two sets of bills. If the governor, who is also a member of the council, should be of the same party as the minority, its program should with his support be at least strong enough to block the enactment of the majority's projects, in which case both programs might, under the provisions of the model constitution, be referred to the omniscient electorate for the final decision. Clearly, such procedure is foreign to the parliamentary system. English voters choose men who are pledged to certain policies. They do not attempt to discriminate between drafts of proposed laws, or to determine whether proper methods for attaining desired ends have been provided therein.

A second difference between the proposed council and the parliamentary cabinet in its legislative capacity arises from the fact that the former is not a group which, individually, is in charge of the great administrative services of the government and which, individually and collectively, is responsible to the legislature for their management. Since the greater part of legislation deals with these services, the council's inability to speak authoritatively concerning their needs would tend to put the proposals of the council on the same plane as those of other members of the legislature.

POSSIBILITIES OF DEADLOCK INCREASED

Whether or not the council's measures dealing with administration were given serious consideration by the legislature, they would in all probability not be the only projects of that nature submitted. As noted above, the heads of the administrative departments are to have seats in the legislature. They "may introduce bills therein, and take part in the discussion of measures, but shall have no vote," the Model Constitution provides. Thus, in addition to the probably distinct measures framed by the majority and by the minority of the council, there would be the cabinet's bills, including those pursuant to the recommendations of the governor's budget. Jealousy of the executive and fear of encroachments on its prerogatives would incline the legislature to act favorably on the bills recommended by the majority of the council, or at least to those sponsored by some of its own members. The governor, although a member of the council, would be much more likely to endorse the projects of his appointees whose policies he could control through the removal power. Consequently, the possibilities of a deadlock between the legislature and the executive in the exercise of their law-making duties appear to be increased rather than decreased by the machinery which the Model Constitution provides.

Those who framed the Model Constitution obviously approved the parliamentary system, at least those features of it which tend to assure the formulation and enactment of laws with a minimum of friction and a maximum of co-operation between the legislature and the executive. They wanted to engraft on the American legislatures those parliamentary features which, in their judgment, would center responsibility for preparing a definite program and for carrying that program into execution. Not content with the customary proposal to seat the cabinet in the legislature, they also approached the parliamentary system from the opposite direction by providing for a legislative committee with some resemblance to a cabinet. But they did not discard the principle of separation of powers. They apparently believed that the idea of an independent executive is so deeply intrenched in American thought that a complete adoption of the parliamentary system by American states would be too visionary to receive serious consideration by those upon whom from time to time will fall the duty of revising state constitutions.

If the foregoing analysis is correct, however, attempts to establish a compromise between the two systems are doomed to fail. If tried, they are more likely to stir up jealousies between the two branches of government and to produce confusion and deadlocks rather than to secure greater co-operation in framing and enacting legislation. Features essential to the one system should not be expected to work successfully in the other.

An executive whose tenure is controlled by the legislature, or one which holds for a definite term by a popular mandate: which shall it be? The answer depends largely upon your conception of the purposes of government. Stability or change? Is the main business of government to protect what is, or to discover and promote new interests? Should popular demands be filtered through a system of checks and balances, or should government be immediately responsive to the will of a majority? One is impelled toward the latter alternative, which in each instance is presumably more characteristic of parliamentary government, by a realization that probably no country with a parliamentary system can show a greater mass of legislation than that produced by the American governments which, with their checks and balances, were intended to operate with a minimum of restraint on the individual.

EXTEND THE MANAGER IDEA

A final consideration which tends to make unified responsibility for legislation more practicable in American government is the fact that it can be accomplished without transplanting foreign institutions. All that is needed is to apply the city manager type of government to larger fields. The experience of more than three hundred cities is not uniformly favorable to the new venture. Sometimes the legislative body has failed to choose properly qualified men. This is not surprising for the field is new and trained managers are scarce. Sometimes, rather than trust legislative leadership to develop in the council, the manager has assumed the burden of leadership in policy-forming, with the result that he has been forced to retire when the policies for which he labored were rejected by the council.

Predictions as to its ultimate place in American government are obviously mere guesses. But this much seems true: the rise and spread of the city manager system has shown that the American people are not irrevocably committed to the idea of an independent executive, checked by and checking the legislative body. While clinging to the idea of a single chief executive, characteristic of American practice outside county government, the voters in these cities have shown little reluctance in changing from a popularly-elected to a council-appointed executive. Is it beyond the realm of possibility that the electorates of the states, first for themselves and finally for the national government, may some time vote for a similar change?

CONTEMPORARY TOWN MEETING GOVERNMENT IN MASSACHUSETTS

BY JOHN F. SLY

University of California, Southern Branch

Eighty-five per cent of the municipalities of Massachusetts still adhere to colonial forms of local government. :: :: :: ::

SINCE Alexis de Tocqueville made New England town government famous almost a century ago, it has received increasing attention from students of American institutional history. But much of the research, although of the highest value, has been of an antiquarian character, and few scholars have viewed the subject in the light of a contemporary problem. It is of interest, therefore, to emphasize that in its traditional stronghold of Massachusetts the town meeting is still the dominant method of local government; that while many of the larger communities have abandoned it as a relic of what its great exponent Charles Francis Adams called "a simple and possibly a better past," it is relinquished with the greatest reluctance; and that the process of its retention is serving as a basis for political experiments that are in some respects unique.

Within the commonwealth of Massachusetts there are three hundred and fifty-five municipalities. Almost eighty-five per cent of these conduct their local affairs in a form and spirit similar to the methods of the colonial and provincial periods. Boston, after a generation of debate, adopted a representative government in 1822. But the succeeding seventy-five years found but thirty-three cities within the state, and the first quarter of the new century has added but six others. It is significant that each of the latter group when incorporated contained more than 16,000 inhabitants, and that one, Revere, exceeded 25,000. Even within those communities having a potential town meeting membership of from three to over seven thousand voters, more than half still cling to the traditional form. And the last decade has seen a dozen towns attempt new experiments in an effort to avoid conventional representative charters.

THE LIMITED TOWN MEETING

Since 1915, eight of the largest communities within the state have turned to a limited town meeting. The essential features of this plan consist in dividing the town into a number of precincts from each of which an equal number of delegates (usually between thirty and forty), designated as "town meeting members" are chosen by popular vote. Collectively, and in conjunction with certain officials as *ex officio* members, they compose the town meeting, which exercises practically all powers vested in the town as a corporate body. No other change of importance is contemplated. Regular town officers are chosen, elections conducted, appointive positions filled and town meetings attended as formerly. Subject to such restrictions as the town meeting members may prescribe,—usually little more than recognition and identification on the floor of the meeting,—any elector of the town may speak at any meeting, but only delegates may vote.

But the communities adopting this form are among the larger towns, containing, when the change was made, from twelve to thirty-three thousand inhabitants. To them the inadequacy of a primary assembly was the principal defect. But another group, none exceeding 11,000 inhabitants and the least populous Mansfield, with only 6,000, attempted to remedy administrative difficulties. In an effort to consolidate the scattered departments familiar to so many local administrations, and to combine a centralized responsibility with the merits of a town meeting, special charters were granted to the towns of Norwood, Mansfield, Middleboro and Stoughton. Provision was made for a redistribution of administrative functions, a reduction of elective officers, and the appointment, by the selectmen, of a town manager with duties embracing those usual to a city manager. The town meeting was maintained, practically unimpaired.

In 1924 the town of Walpole adopted what its advocates classify as a "modification of the town manager idea." Five selectmen are designated as the "lawful successors" of various offices, boards and commissions, and are empowered to appoint a "town engineer" to supervise the more technical problems of administration,—particularly those pertaining to highways and water supply. The town of Lexington has simply vested its selectmen with the power to act as a board of public works, and further instructed them to appoint a superintendent to serve as an administrative officer. Numerous communities have attempted more moderate reforms through the use of boards of survey, town planning boards and boards of public works. While not the least important expedient has been the creation of finance committees (usually appointed by the moderator but at times elected by the voters) to act in the dual capacity of financial advisers and steering committees to their respective town meetings.

UNREST IS STIRRING

But such administrative arrangements are temporary,—at the most, perhaps, transitional stages leading towards representative government. The larger towns continue to feel the pressure of new and complex situations. Of those in excess of 10,000 population (and there are twenty-six such communities), nine have turned to the newer forms described above. As many others show varying degrees of interest towards political alterations. Framingham, the largest unlimited town meeting government in the state, with potentially close to 7,000 voters, rejected a city charter in March, 1925, hardly, however, on the merits of the case. The towns of Milford, Wakefield, and Natick have committees at work that will presumably make recommendations at the annual meetings of this year. Amesbury, Braintree, Plymouth, Saugus, and Winchester, indicate more or less recent discontent, varying from the action of Winchester rejecting in 1917, after some twenty years of agitation, a town manager charter, to Saugus, where interest seems to be confined to sporadic newspaper agitation.

In addition, numerous towns of smaller population, but with an electorate exceeding 3,000, indicate political unrest. Both Milford and Milton have committees at work. Whitman, on several occasions, has rejected the town manager form. Athol has made investigations relative to a change, and Andover has recently been favorably disposed towards a limited town meeting. Within still smaller communities there is, of course, less dissatisfaction, but there are evidences in such towns as Abington, Canton, Chelmsford, Dartmouth, Great Barrington, Hingham, Ludlow, Uxbridge, and Ware, that a potential electorate of from eighteen to twenty-five hundred voters with accompanying administrative difficulties, is causing misgivings.

WILLINGNESS TO EXPERIMENT

The conservatism of the Bay State is proverbial. But it seems that the extreme reluctance to lay aside the town meeting may result in a unique liberalism. There have been, recently, at one time, as many as seven separate types of municipal control within the commonwealth.[1] It is difficult to judge of the success of the newer ventures. The limited town meeting leaves untouched the administrative problems of government, and gives a legislative organ that seems to differ very little from a city council of unwieldy size. The town manager type, on the contrary, offers no relief to an expanding town meeting, and can claim, therefore, hardly more recognition than that due to a temporary, although, perhaps, beneficial, administrative expedient. Other alterations are largely modifications of it. Although but a few years old, there have been, in each instance, no apparent failures, and there is much evidence of local satisfaction, some of it, perhaps due to other considerations than the excellence of the form itself. But possibly within this atmosphere of experiment there may yet evolve new features that will aid in solving the perplexities of local government.

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[1] There were examples of each of the four plans under the Massachusetts optional charter system, —*i.e.*, the old mayor council plan, the new mayor council plan, the commission plan and city manager plan. In addition, there were three types of town government,—*i.e.*, the unlimited town meeting, the limited town meeting and the town manager.

THE UNIVERSITY AND THE CITY

BY DR. EDWARD A. FITZPATRICK

Dean of the Graduate School, Marquette University

How Marquette University honors distinguished public service.

Thou hast heard men scorn thy city, call her wild
Of counsel, mad; thou hast seen the fire of morn
Flash from her eyes in answer to their scorn!
Come toil on toil, 'tis this that makes her grand,
Peril on peril! And common states that stand
In caution, twilight cities, dimly wise—
Ye know them, for no light is in their eyes!
Go forth, my son, and help.

EACH year Marquette University at the annual Civic Convocation makes an award of certificates of Distinctive Civic Service to citizens for, "distinctive civic service, voluntary in character, and without expectation of reward other than the service itself." The award this year was made to a judge of a circuit court, a man and wife who are social workers, a man largely responsible for the harbor development, and a sister in a parochial school.

I shall try briefly to put the idea of the Civic Convocation in relation to the social and economic facts which are its excuse for being.

TOWERS OF BABEL

One of the wonders of the modern world is the modern city, but whether it is an instrument of good or of evil, the event will teach us in the hour. The modern city has come in the wake of our increased populations, of space annihilating means of communication and transportation and of our industrial concentration. We have piled up our cities until socially they are veritable towers of Babel. The American city has been described as producing an unintermittent flow of ugly industry, vapid art, of confused thought and morbid life, of sordid business and arrested morals. Instead of being an agency of social good, it becomes perverted and brings forth the very things it is designed to correct or prevent. It manufactures social derelicts, social abnormality, social defectiveness and social crime, and need I add, what is the same thing, individual dereliction, abnormality, delinquency and crime. These follow inevitably on the trail of the mushroom growth of the city with its congestion, confusion, chaos.

OUR FAVORITE POLITICAL AND SOCIAL DEVICES NOT EFFECTIVE

Politically we have a naïve faith in mere governmental machinery as an agency of social good. Nor is that all. Under the influence of our love of slogans and catch phrases, such as "turn the rascals out," we find that after change is made, all we have done is to put other rascals in with a more venal rascality perhaps, but more hypocritical because of its pretention to virtue. Our reform administrations have not adopted a motto frequently used by one of the persons to receive a certificate of distinctive civic service tonight, "Reformer, inform thyself." Business men administrations, with the best of good intentions and the highest personal integrity, have found something else necessary. There is a vision without which people perish and cities become as Ninevah and Tyre. "Lacking the vision of the university, the city becomes the breeding ground for all the tribes of charlatans from patent medicine men and palmists to panacea-mongers, political, social, and religious." And should the university not see its obligations to the city, it would become an intellectual and moral vacuum.

You think the picture a little too dark and overdrawn perhaps. It is not dark enough, or its high lights are not brought in sharp enough relief unless the citizen is shocked out of his complacency. The evils of indifference are no less real than the evils of malice. Inefficient government, not necessarily dishonest government, but just incompetent government, is just as baneful in the results as dishonest and malevolent government.

IS URBANIZATION NECESSARILY INIMICAL TO STANDARD OF LIFE

The strain on the social machinery, governmental and voluntary, is great under modern conditions. We have crowded or herded together faster than we have learned to live together. We have yet to learn the art of living together for the purpose of developing to the utmost individual capacity. Urbanization must cease to be a process inimical to even minimum standards of living with reference to privacy, health, and the rational employment of leisure; it must be truly the process of making urbane, with that refinement of manners, and elevating converse and social relations that fine art of living, in short, which we associate with the word.

Many proposals to remedy the conditions in the process do not now concern us, training for public administration; inescapable, not merely obtainable information for the citizen; higher type political personnel, an active citizen interest in government. But what is more important is active, even enthusiastic, public service by the citizen. "Until the citizen feels that as an inescapable personal obligation," says Bailey, "there can be no democracy," and may we now add, no real city. What we need is the official who goes beyond the routine of his office to show new social possibilities, and the so-called private citizen who, without nice calculation, does the social job that lies nearest him, whether it is called his or not; or more concretely, we need these types many times over, the fireman who gives up his life in the performance of his duty, the teacher who is more interested in making boys men, and girls women, than in teaching arithmetic or geography, the philanthropist who gives much to relieve human need and suffering, without letting his left hand know what his right hand is doing; the women who responded splendidly to the call of service in time of war; and the men and women in every walk of life, with or without social position, with or without money, those who get in the newspapers, and those who do not, who give themselves to the no less imperative needs and to win the no less renowned victories of humdrum everyday life of quite ordinary people —for the aged, the tuberculous, the industrially crippled, the poor, the many unfortunate of every kind. These citizens of the common good are the people who make a city or remake it.

DEMOCRACY NEEDS METHODS OF SOCIAL APPROVAL

The older nations of Europe have discovered ways of expressing social approval of these things through Legions of Honor or the like. Democracy has yet to develop similar social approvals. It is these people in Milwaukee that Marquette University would give its word of approval and good will and hope for even richer achievement. The Civic Convocation is the means the University uses to call the attention of the community itself in a dramatic way to the service of such persons in the upbuilding of man through our social life. It is, too, one way Marquette with a vision of a University would identify itself with Milwaukee, particularly with that greater Milwaukee, which shall be even a greater, higher, better influence in the civilizing, urbanizing, and elevating of a million or more people in the years to come.

LOCAL GOVERNMENT IN IRELAND UNDER THE FREE STATE

BY JOHN J. HORGAN

Cork, Ireland

Mr. Horgan is a solicitor, residing in Cork, who has held numerous local offices and has written widely on legal and political topics. You will find his article both scholarly and captivating. :: :: ::

The history of local administration in Ireland is so closely interwoven with the national history that a short summary of its essential facts is a necessary preface to a more detailed consideration of the subject. In early Ireland local administration in the modern sense of the word did not, of course, exist. Councils of representative men met from time to time to deliberate on the simple necessities of their local affairs. They were generally held in the open air, and were called *airecth*, from the word aire, meaning a chief or local man, for the king or chief of the locality always presided over them. Places devoted to this important purpose were held in much veneration and were not put to any other use. The political unit of local government, namely, the smallest area with a single government under a chief or king was the Tuath. A Tuath contained about 177 English square miles, and there were 184 Tuaths in all Ireland. Sometimes three, four or more Tuaths were united to form one large territory under a king and this was called a Mor-Tuath or Great Tuath. The kings or chiefs had to carry on their government in accordance with the immemorial customs or unwritten laws of the district, and their authority was further limited by the obligation to consult the council of their chief men.

It is quite certain that in time a complete system of local administration would have developed from this democratic autocracy, but the foreign invasion of the Normans checked its growth and eventually destroyed it. The Anglo-Normans first settled in the towns along the Eastern seaboard, and the importance of the town in the system of government established by them in Ireland cannot be exaggerated. The Romans used the municipality as an instrument for extending their sway and maintaining their power throughout the lands surrounding the Mediterranean. So did the Anglo-Normans in Ireland. The government of the towns which fell into their hands was remodelled, the chartered borough of England serving as an exemplar. New towns were established throughout the tribal lands which they conquered, and they in turn received a similar form of government. In all these cases the various rights and privileges conferred depended upon a charter or charters granted by English kings or Norman nobles. But unlike the Romans the Anglo-Normans instead of mixing with the native population at first held aloof and turned their civic communities into the garrisons and outposts of their power. The native Irish were treated as outcasts and aliens in their own land. Their tribal customs were ignored, their laws and language banned, and they themselves cut off, as far as possible, from friendly intercourse with the new settlers. But it was impossible to shut the Irish out. By degrees the towns were all flooded with Irish life, and the burghers became the champions of Irish freedom. Irish civilization completely embraced the incoming peoples till in the words of one of the old chroniclers they became "more Irish than the Irish themselves."

IRISH EXCLUDED FROM LOCAL OFFICES

This development had to be stopped, so during the Tudor period the jealous statecraft of England proceeded to reduce the power of the Irish towns, and in the reign of James I the whole course of municipal life in Ireland received a new direction. The very wells of municipal and national life were poisoned when six Ulster counties were planted with alien colonists. The charters granted to the towns of the newly planted district did not confer civic power on the whole body of the citizens, but on small select bodies of the inhabitants called the "free burgesses," who were generally twelve in number, and who elected the corporate officials and ruled the town. In them was also vested the important function of returning two members to represent the town in the Irish Parliament, thereby shutting out the general body of the inhabitants from all voice in public representation.

Thus early was instituted the policy of "no Irish need apply." New boroughs of a similar nature were soon created throughout the other Irish provinces, and the result of this vicious system was soon apparent. It was converted into an instrument of racial and religious tyrrany and public degradation. Throughout the Southern provinces, Catholic corporate officials were deprived of their offices, fined and imprisoned, because they refused to attend service in the Protestant Church or take the insulting oath of supremacy. What followed was one long sordid story of misgovernment, corruption, jobbery and intolerance. These select bodies were completely irresponsible. They rendered no account of their actions to the general body of the inhabitants. Municipal affairs were neglected, or where attention was paid to them it was solely with a view to the interests of the governing class. Corporation appointments, even inferior ones, were confined to members of that class or to their families and friends. This state of things continued for a century and a half, and by the system of grand jury government was extended to the counties as well. Each county had a grand jury, nominated by the sheriff, or in other words by the English executive, from amongst the landlords of the county, peers alone being excluded. This body under the direction of the judge of assize, struck the rates and raised the revenue requisite for local services. They met once a year in the county town, and the novels of Miss Edgworth, now almost forgotten, give us a vivid picture not only of misdeeds and malversations on the part of these strange administrators but also of their pomp and circumstance.

This corruption and luxury gradually

disappeared in the nineteenth century, and the grand juries were brought into closer dependence upon the central government. The state of things was much the same as regards the relief of the poor and the medical and public health services. These functions were controlled in each poor law union by a board of guardians, consisting in part of justices of the peace or magistrates, and in part of representatives elected by public vote on a restricted franchise.

LOCAL GOVERNMENT RESTORED

The Municipal Corporation Act of 1840 marks the beginning of a new epoch in Irish local government. The old corrupt town corporations were swept away, and the control of municipal affairs transferred from small self-elected cliques to the general body of the urban inhabitants. Other laws in quick succession extended and improved the machinery of municipal life, and finally in 1898 the Local Government Act of that year set up a complete system of local government on English but democratic lines for the whole country. Shortly after it was passed a shrewd French observer, M. Paul Dubois, pointed out that England would find herself compelled to take back from the Irish this full control of local affairs or to concede, what she had for a century refused, full management of their national affairs. She has had to adopt the latter alternative. The Local Government Act of 1898, although indeed its authors knew it not, was the legislative father of the Irish Free State.

PRESENT STRUCTURE

The fundamental framework of local administration in most countries consists of three parts; first, a central controlling and consultative body, which forms part of the national government and whose duty it is to supervise in a paternal and impartial manner the working of the local councils; second, the local councils themselves elected directly by the people; third, the expert officials whose duty it is to advise the local councils, to carry out their policy, and to devote their technical skill to local affairs. Under our system, which is closely modelled on the English, the ministry of local government and public health of the Irish Free State is the controlling body or first part, the town councils, the county councils, and minor public bodies elected by the people, the second; the expert officials, such as town clerks, law advisers, engineers, medical officers of health, and so on, elected by the councils, the third. The areas of local administration as provided by the Act of 1898 may be set out under four heads:

1. Urban areas, namely the cities and towns which are under the control of borough councils or commissioners.
2. Rural areas, under the control of rural district councils.
3. County councils in each county.
4. Boards of guardians who dealt with relief of the poor.

All local councils are elected on a wide franchise, which is practically manhood suffrage, under a system of proportional representation. Women since 1911 are not disqualified by sex or marriage from being members of local councils, but clergymen cannot be elected to any local body. The duties of the town councils and county councils include the making of by-laws and rates, the safeguarding of public health, prevention of fire, water supply, the care and maintenance of streets and roads, municipal trading, and joint control of such institutions as sanatoria, mental hospitals, harbors and the numerous miscellaneous duties which have been increasingly delegated to local councils of recent years. Under all these headings a great variety of duties have to be discharged. The work is principally transacted by committees, who are mainly appointed from among members of the Council. The acts of every committee, save joint boards made up of delegates from several councils, must be submitted to the council for approval. The officials are all appointed by the direct vote of the council, which also elects a chairman, who in the cities bears the title of Mayor or Lord Mayor. Unlike the French, the German, and especially the American plan of local administration, the system in force here does not divide the legislative and executive powers and attempts to provide no arrangement of checks and balances.

The number of members of the councils vary according to the area and population of the district concerned, but are usually much too large in number. The financial requirements are estimated half yearly by the secretary or treasurer and then submitted to the various committees, who, after discussing and altering or approving same, forward them to the council, whose final approval is necessary before the rates can be struck or levied. Loans can be raised under the Public Health and Housing Acts as well as other miscellaneous laws, but the consent of the Local Government Department must be first obtained, and for this purpose a local inquiry is usually held in public at which all interested parties or any ratepayer may appear and oppose or support the scheme for which the loan is required.

Under the English régime the Local Government Board was bureaucratic, arbitrary, narrow-minded and anti-national. It was guilty of all the abuses of authority and filled with a passion for directing and complicating everything. It arranged its plans on the same large and stately scale as in England and forced the councils to extravagant expenditure which the poverty of the country did not justify. The establishment of the Irish Free State brought Irish local government for the first time under the direct control of an Irish government. But the circumstances of civil war and disturbance which marked the first few years of the Free State's existence were not conducive to constructive policy of any kind and in matters of local government at all events a policy of "*solvuntur ambulando*," or dealing with difficulties as they arise, rather than the application of a settled policy based on decided principles, has been adopted.

The most decisive step taken by the government was to suppress the town councils of Dublin and Cork as well as several minor boards for proved inefficiency and corruption, and to substitute in their place paid city commissioners on the American plan but under direct control of the Local Government Department. Under the Local Government Act of 1923 it has also abolished the rural district councils and the boards of guardians, delegated the sanitary duties of the county councils to boards of health, provided for payment of traveling expenses to local authorities, taken power to dissolve any council guilty of inefficiency or refusal to carry out the orders of the Local Government Department, and given any council that chooses power to delegate its powers to a manager or commissioners. This last provision may indeed contain the germ of a local government development on the lines of the American city manager plan.

DEFECTS HAVE HISTORICAL ROOTS

The defects of the present system of Irish local government arise largely from its historical development. In the first place it did not develop from national requirements and traditions, but was imposed from without by the English government generally for purely political reasons, and always, no matter how well-meaning, without real knowledge of Irish conditions. What was good enough for England was *ipso facto* good enough for Ireland also. In the second place, local government in Ireland has always been regarded by the people as a side issue. The engrossing nature of the struggle for national self-government caused men to be selected as candidates for local councils rather for their political complexion than their personal character, and the clan system, which still exercises its influence in Irish public and social life, led to jobbery and inefficiency. A wise economy wedded to a wide spirit of efficiency would seem to be the best program for the councils which have recently been elected, and the close control of their conduct which the Local Government Department can now exercise will undoubtedly tend to move them in this direction. At the same time it would be well for those in authority to remember that local councils, like children, will never learn to walk if they are always held in leading strings.

The Local Government Department has inherited many of the bad methods of its predecessors and is inclined to favor bureaucratic centralization of administration and expensive schemes of various kinds, which whilst they look well on paper, are more suitable for a wealthy and densely populated country like England than they are for Ireland. It does not seem to have really decided the fundamental question whether its policy is to be centripetal, or centrifugal. At present it is a somewhat confusing and illogical mixture of both these tendencies. Whilst it has suppressed several inefficient councils and replaced them by commissioners or managers solely responsible to the central government, it has at the same time enlarged the functions of the county councils and increased their membership to such an extent as to make them mere unwieldly "talking shops" quite incapable of discharging their duties expeditiously or efficiently. Mr. Burke, the minister responsible for its policy, does not seem to have learnt the lesson to be derived from the recent developments of local government institutions in other countries, namely that efficiency decreases in proportion to the size of the council, and that it is desirable to entrust the executive functions of local government solely to expert officials and make them responsible for the result.

It is obvious from the experience of other countries that expert official leadership under ultimate democratic control is the best of all. But it must be leadership on the spot with full powers, and not in a government department a hundred miles away with no knowledge of local conditions or difficulties. Democracy suffers at present, both here and elsewhere, from diffused authority and amateur experiments, and it would seem that the ideal to be aimed at in the future development of Irish local government may best be described as an expert autocracy under democratic control. This is not only in line with modern experience elsewhere but is best suited to the temperament and traditions of the Irish people. Something similar to the American council-manager system, with necessary modifications, would seem to be extremely suitable to our needs. But the first and most crying necessity is to make the people themselves take a real interest in the problems of local administration. Without an intelligent electorate behind it the most efficient local government system will not work properly. There is every sign that such an electorate is being created in the Irish Free State. The success and ease with which individual state-appointed commissioners have managed the cities of Cork and Dublin during the last few years has set a headline that he who runs may read, and it is pretty certain that a development of this system on more democratic lines would meet with universal approval. The next step, therefore, lies with the people themselves for if they take the initiative in demanding a new local government system based on modern principles they cannot be denied. By intelligent application of sound principles, by progressive methods, by looking into the future and planning wisely, thus and thus only can those responsible for the local government of the Irish Free State build up a happy and healthy community, a place "where men live a common life for a noble end."

BALTIMORE'S NEW RETIREMENT SYSTEM

BY GEORGE B. BUCK

Consulting Actuary, New York

Baltimore substitutes a sound municipal pension system for various departmental and piecemeal plans. :: :: :: :: ::

A GENERAL retirement system for all employees of the city of Baltimore, with the exception of policemen, went into operation early this year and employees have just cast their ballots to elect the members of the board of trustees, who are their representatives. The detailed provisions of the plan were developed by a retirement commission appointed by the mayor in 1924, following a general survey of the pension problem of the city made by the city commission on economy and efficiency in 1923. The new system is designed to supplant the various departmental retirement acts for firemen, teachers and general employees, which were found by the retirement commission to be unsound financially and unsatisfactory in form of benefit.

The new system furnishes a uniform basis for the retirement of all city employees with the exception of policemen, who unfortunately were specifically excluded from the operation of the system by the charter amendment providing for its establishment. The provisions of the system were adopted after a survey of the various sound governmental retirement plans in operation elsewhere and after a most careful investigation of the retirement needs of the city. The plan is believed, therefore, to have many points of interest to other cities which may be seeking a sound and equitable method of taking care of their superannuated and disabled employees.

The benefits of the system cover the main contingencies against which protection is needed by any salaried employee: that is, old age, disability and death.

THE OLD AGE OR SERVICE BENEFIT

An old age or service benefit is payable at the request of any employee who has attained age 60. Retirement is compulsory at age 70. The amount of retirement allowance payable is dependent upon the number of years of service of the employee at age 60 and consists of approximately one-seventieth of the average annual compensation received by the employee during the last ten years of his service multiplied by the number of the years of service. An employee retiring with thirty-five years of service, therefore, receives about one-half of his average final compensation while employees retiring after longer or shorter periods of service receive proportionately more or less than half pay. Since the amount of benefit varies according to the years of service of the employee, there is always an incentive for the employee who is able to do so to remain in service and increase his retirement allowance.

DISABILITY BENEFITS

The system includes also a provision for the retirement of an employee who is incapacitated for service before age 60. There is an advantage to the city in being able to relieve the service of a disabled employee without the necessity of leaving him with little or no income. Furthermore, from the standpoint of the employee a disability benefit appears highly desirable because disability is probably the danger viewed with the greatest concern by employees and the one against which they ordinarily find the most difficulty in protecting themselves.

If disability occurs due to accident connected with the performance of duty the plan provides that a pension of 66⅔ per cent of the average final compensation of the employee shall be payable regardless of the years of service of the employee. If disability occurs due to ordinary causes no benefit is payable unless the employee has had at least five years of service. The allowance payable upon ordinary disability is approximately nine-tenths of the allowance which would be payable after the same period of service upon service retirement. A minimum benefit of 25 per cent of average final salary is included to take care of the employees incapacitated after short terms of service. Any employee retired on account of disability is examined every year by the medical board of the system and if examination proves that he has recovered his health sufficiently to permit his restoration to active service his retirement allowance is discontinued.

DEATH BENEFITS

The system includes certain benefits payable upon the death of an employee before retirement. Although it did not appear necessary to include such benefits in the retirement system from the standpoint of the efficiency of the city service such benefits were included because of the advantage to the employee of obtaining such insurance through the retirement system. The death benefits make the plan attractive to the young employee who thinks that he will not remain in service long enough to retire but is glad to secure the insurance offered by the plan while he is in service. A more liberal benefit is payable upon death due to accident connected with the performance of duty than upon death due to ordinary causes.

In the event of accidental death connected with the performance of duty a pension of one-half of the average final compensation of the employee is payable to his widow until her death or remarriage and to his children until they attain age 18 or to the dependent parents if there be no widow or children.

In the case of either accidental death or disability the plan provides that any benefit payable under the workmen's compensation law be offset against any benefit payable by the retirement system.

Upon death due to ordinary causes a lump sum payment is made equal to 50 per cent of the average annual compensation of the employee. The contributions of the employee with interest are also payable to his estate in the event of death.

BENEFIT PAYABLE UPON DEATH OF BENEFICIARIES

The plan does not include any benefit at the expense of the city to be paid in cases of death after retirement. It does provide, however, that any employee at the time of retirement may elect to provide for his dependents by taking a lesser retirement allowance and providing that some payment shall be made upon his death or that his pension or some proportion of his pension be continued to his designated beneficiary.

METHOD OF FINANCING

The retirement system is a jointly contributory system, that is, both the city and the employees contribute to its support. In this respect it follows the city systems in New York, Boston, Providence, San Francisco and other cities which have devised scientific plans for the retirement of their employees.

CONTRIBUTIONS BY EMPLOYEES

Each employee contributes a certain percentage of his salary to the retirement system. The rates of contribution range from 3.37 per cent to 8.06 per cent according to the sex, occupation and age of the employee at the time of beginning membership. Employees' contributions are credited to their individual accounts in the retirement system together with interest thereon. When the employee is ready to retire the amount standing to his credit is used to provide an annuity which is added to the pension provided by the city, the annuity and pension together making the total retirement allowance payable. Employees' rates are computed to provide approximately one-half the allowance payable at age 60. If the employee resigns before retirement he may withdraw the entire amount standing to his credit and if he dies the amount with interest is returned to his estate. Under no condition does the employee forfeit his contributions. A plan of this type is often called a savings bank plan because the individual employee's contributions are treated as they would be if deposited in a savings bank and are used solely for his own benefit.

CONTRIBUTIONS BY CITY

Just as employees put aside a certain percentage of their compensation each year, the city makes an annual contribution equivalent to a certain percentage of payroll so that when an employee is eligible to retire an adequate reserve from which his benefit may be paid has been accumulated. The city pays a normal contribution which each year takes care of the liability which has accrued on account of the current services of employees, and in addition it pays a deficiency contribution which is necessary in order to take care of the accrued liabilities of the system at establishment.

At the establishment of any retirement system the most difficult problem to solve is how to meet the liabilities of the system on account of the prior service of employees in service. To make the retirement system immediately effective it is usually desired to give employees full credit for such service. The employees, themselves, many of whom are eligible to retire shortly, can do very little toward making up any part of the contributions on account of back service and the burden usually falls on the city. Baltimore has chosen to make a special deficiency contribution for this purpose which will be payable for about thirty years.

According to the preliminary estimate the normal contribution on account of membership service or the continuing cost of the plan was computed to be approximately 4.33 per cent of the payroll while the accrued liability contribution which is to be set after the first actuarial valuation of the system after its establishment was estimated to be approximately 2.94 per cent of the payroll. It is therefore anticipated that the total contributions of the city will be 7.27 per cent of payroll for approximately thirty years.

ACTUARIAL BASIS FOR RETIREMENT SYSTEM

Baltimore has not followed the course which has been most common in the past in establishing governmental retirement systems. In the majority of existing plans in this country the income has been set without regard to the actual cost of the benefits and the liabilities incurred by the establishment of the retirement plan. The retirement commission adopted as one of its guiding principles that it would make no recommendations to the city or employees without knowing the cost which its proposal would involve not only in the immediate future but in the continued operation of the system recommended.

In order that it might have the best basis available on which to have the cost figures prepared the commission had a very careful actuarial investigation of the city service made. It collected data covering the date of birth, years of service and salary of every active employee and pensioner of the city as of June 30, 1924, and similar information for all employees who had left the service during a period in the past. On the basis of the actual data collected tables were prepared for use in calculating the cost of the existing retirement provisions and of any proposed retirement system. Preliminary estimates of cost were prepared on the basis of various retirement benefits and the plan adopted was selected as a plan which would come within the cost which the city was willing to undertake.

To safeguard the future operation of the fund and to insure its permanency the retirement law provides for an annual actuarial valuation of the assets and liabilities of the system and for an adjustment of the contributions of the city so that the city will fully cover its accruing liabilities each year. Periodic investigations into the service and mortality experience of members and pensioners will be made to determine what changes, if any, are necessary in the financial provisions of the system to keep it on a sound basis.

APPLICATION OF PLAN TO PRESENT EMPLOYEES

Before recommending the plan which has been adopted the retirement commission had actuarial valuations of the existing retirement plans of the city prepared. It found that there was no uniformity of benefits under these plans, that their annual cost to the city would probably increase rapidly in the future and that their continued operation would eventually result in disappointment to the employees and embarrassment to the city. Since the plan for teachers could not continue without material aid from the city and the benefits of the new system were more liberal, a definite provision for discontinuing the old teachers' system was put in the law under which the system has now been discontinued. In order to effect the gradual dissolution of the other plans, with the exception of that relating to policemen, the new retirement law provides that all future entrants into the city service shall at the expiration of six months service become members of the new system. Present employees may elect to stay out of the new system but the advantages of membership are such that probably about 80 per cent of present employees have come into the system.

ADMINISTRATION OF PLAN

The administration of the retirement system is vested in a board of trustees of five members consisting of the comptroller of the city, two members of the system to be elected by the membership and two citizens of the city.

The ordinance contains very definite provision in respect to the building up of reserve funds of the system of which the board of trustees are trustees. Separate funds are maintained for the accumulation of employees' contributions and the city's contributions. Interest credits on these funds at 4 per cent per annum are made an obligation of the city. The funds of the system may be invested only in investments legal for insurance companies. The city pays the expenses of the operation of the system and the reserves are to be used only for the payment of benefits.

Under the supervision of the board of trustees the records are maintained which are necessary for actuarial valuations and investigations. The ordinance covers very definitely the many details relating to the operation of the system and should be valuable to other cities desiring to substitute a sound retirement plan for an unsound plan or to establish a retirement system for the first time.

It is believed that the retirement system compares favorably with the other sound retirement plans in operation in this country and should be a source of satisfaction to the city and to employees. To the employees the system furnishes a plan of automatic savings and at the same time gives valuable protection in the event of death or disability or superannuation which would be very costly to secure otherwise. To the city the system provides a sound and economical method whereby it may take care of the old and disabled city employees and thereby maintain the service at its maximum efficiency. By substituting the present system for the various departmental laws it has taken a step which will save taxpayers many thousands of dollars in the future. Baltimore is to be congratulated on the forward step that it has taken in this important matter.

THE FATE OF THE FIVE-CENT FARE

I. PITTSBURGH: A NEW CONTRACT BRINGS MUTUAL UNDERSTANDING

BY CHARLES K. ROBINSON

Member of the Pittsburgh Bar

Six years ago the REVIEW *published a series of articles on the fate of the five-cent fare. Conditions have stabilized themselves since then and the nickel fare is little more than a memory. Today the important thing is adequate service at a reasonable rate. The present series begins with Pittsburgh, where better service plus a desire to please has done the trick.* :: :: :: :: :: :: ::

"Co-operation is not a sentiment—it is an economic necessity."—*Charles Steinmetz.*

THE Pittsburgh Railways Company after six years of receivership operation passed into the hands of its lawful owners on February 1, 1924. This was accomplished largely by reason of a contract between the Railways Company and the city of Pittsburgh and some smaller municipalities, the contract being fundamentally of the "service at cost" type. In the succeeding two years the Pittsburgh Railways Company has been awarded the Coffin Prize for distinguished accomplishment in improvement in service, in public relations, economies of operation, improvements in construction practice, in safety of operation, in the establishment of good relations between management and employees and in financing improvements in the property.

In the brief space of two years the company has perhaps accomplished more in all of these matters than any other street railway company in the United States in a like period. A hasty consideration might lead to the conclusion that these results were fundamentally the fruits of this contract. In part they are, but agreements do not so much make conditions as they reflect them.

The results accomplished may be attributed to three outstanding causes and developments.

First, a historic background of overcapitalization, bad public relations, and uneconomic and unsound restrictions upon a proper fare and a proper return, which has taught both sides how to avoid these mistakes in the future.

Second, the elimination of most of these conditions by a valuation of the properties by the public service commission and the evolution of the agreement of February 1, 1924, and

Third, a new spirit of management and salesmanship.

HIGH FINANCE OF 1901

The first great mistake in the development of the Pittsburgh Railways Company was made in the year of 1901 when the company was organized as a mere leasing and operating company upon a basis of obligation and capitalization that not only reflected all of the then probable earnings but all of the estimated possible future earnings. Many mistakes were made in these estimates of future earnings, the principal one being in the costs of operation. The net earnings in fact never approached the theoretical calculations made by the promoters of this consolidation. As these facts were revealed, it became apparent that the company could not pay the fixed charges of the consolidation and under no circumstances could it pay any returns on the capitalization of the Pittsburgh Railways Company. About 1913 the situation itself forced a partial internal reorganization and a reduction of the annual fixed charges.

This situation is forcibly illustrated by a remark of one of the largest promoters of consolidations of street railways in Pittsburgh. During the latter part of the 90's he was depositing a large bundle of Pittsburgh Railway securities in a safe deposit box and remarked that these securities would probably be the biggest asset in his estate. He died some years later and the securities were of comparatively little value. The heyday of street railways from a speculative point of view had come and gone. The Pittsburgh Railway securities continued to shrink in value and the $160,000,000 par value of securities authorized, most of which were outstanding, dropped to a point where in 1919 their market value probably did not exceed $40,000,000.

The valuation made by the public service commission in 1920 was $62,500,000. It was substantially more than the then market value of the securities of the company and from that time the securities steadily rose in price. Today some of the securities are selling for more than double their market price in 1920. The glamour of street railway speculation has, however, largely passed and a new era is dawning for street railways. The public and public officials realize that they are fighting for their very existence against other modern forms of transportation and the public is anxious to save the street railway, even to the point of waiving past and present municipal claims and perhaps furnishing financial aid, at least for rapid transit. This will ultimately attract a new type of conservative investor, when it is realized that moderate returns are practically secure.

FORCED INTO RECEIVERSHIP

The consolidation was in fact merely an experiment, so far as the leases and agreements of consolidation were concerned, but the demands of the public and the natural evolution of the system inevitably tended to make the consolidation a physical reality and to prevent a dismemberment of the loosely tied underlying street railway and traction companies. Step by step the consolidation became a reality in spite of the limited life of the agreements, the mistakes of capitalization, and the deficits in net earnings. The unanswered and unheeded demands of depreciation, the failure to make proper renewals and replacements and franchise limitations on fare combined with public opposition to increased fares and the high wages and other conditions incident to the war brought on the receivership in the spring of 1918.

The great accomplishments of the receivership were the partial rehabilitation of track and roadbed of the company, the holding together of the underlying companies to prevent dismemberment and independent operations, and the application of the income largely to the general improvement of the properties and the furnishing of adequate service.

A receivership, however, cannot develop an extended program of improvements and cannot establish the financial relations and arrangements necessary to build up and improve and extend the properties on an extensive scale. Consequently the new management on February 1, 1924, found itself with a property partially rehabilitated as to roadbed and track but woefully deficient in modern rolling equipment. The energies of the new management have been directed on the property side largely to the replacement of the cars. In the first two years of ownership management, three hundred and twenty-eight cars were purchased of the most modern type designed to meet the various demands of present-day operation, such as one- and two-man operation, and multiple units.

TERMS OF THE CONTRACT

The contract was developed during 1920 and 1921 and was executed on December 20, 1921, but could not become effective until February 1, 1924, because of the receivership. The contract itself contributed to the whole situation in many ways; it marked the end of the long controversy as to the fair value of the property, and the amount of the income to be applied as a return to capital; it ushered in the day of a new public relationship in which public officials, the public at large and the Railway Company's ownership and management were sincerely co-operating to accomplish the best results, with the money available. The twenty-year struggle between the public and the public officials on one side and the Railway Company's ownership and management on the other for a proper division of the income between returns to capital, to management, and to service and maintenance of properties was ended for at least ten years by the contract. This alone was a tremendous contribution to the solution of the whole problem in that it released all of the energies of management to the problems of operation, and it eliminated the general opposition of public officials and of the public, and stopped numerous hearings before the public service commission and the courts on questions of service, maintenance of property, fares and kindred matters. The contract provided a mechanical scheme by which fares would be automatically determined. The contract was worked out after the decision of the public service commission largely as the result of the broadminded policies of the mayor and council of the city of Pittsburgh, and the exigencies of the situation, arising out of the receivership and the inability to earn an adequate net revenue. The contract also provided a board named the Traction Conference Board, which functions with the railway management to reflect the public point of view in all questions relating to service and fares and which attempts to give the Pittsburgh district the best possible railway system and service for the money which the community is willing and can afford to pay for street railway transportation. This affords the maximum of "home-rule" in a state having a public service commission with general jurisdiction over rates and service.

SPIRIT OF SALESMANSHIP

All of these elements would have been of little value alone without the new spirit of management and *salesmanship* which came into the properties at midnight on February 1, 1924.

While credit for the results belongs to every department of the organization and the employees, there is no doubt that the lion's share belongs to Thomas Fitzgerald, the vice-president of the company, who had spent about three years in Pittsburgh studying every aspect of the problem. He was ready for the task not only because he had spent three years in a close-up study of every problem, both in its general and in its detail characteristics, but he had been gathering together the nucleus of an organization which would function with him and which was prepared both by experience and study to inaugurate immediately many helpful and necessary changes in the operation of the properties.

Full credit should also be given in the largest measure to the foresight of the president of the company, Arthur W. Thompson, in mapping out this program, in anticipating the termination of the receivership, and in selecting men to head the new organization whereby the new management stepped into control with a running start, making it possible to bring about the various accomplishments in the shortest possible space of time and to immediately insure the success of the new contract.

Frank R. Phillips, the general manager, seems to have been designed by nature for the position. He is the Railway Company's representative on the Traction Conference Board. William H. Boyce, the head of the commercial and research department, has a real genius for salesmanship. This department was designed to sell the new Pittsburgh Railway Company to the public, and to bring back the vanishing car rider to his *seat* in the car. It was perhaps the most novel, daring and experimental feature of the new organization. It was entirely new in surface street railway management and possessed powers and a scope of action entirely unknown in street railway management. The results have fully demonstrated the wisdom of the plan, and the expenditure of from $120,000 to $240,000 a year upon this department,—these amounts are from one-half to one per cent of the gross revenues of the company.

The changes which have been brought about as the result of the three years of study and of the two years of practical application under the flexibility of the contract have been almost revolutionary in street railway management and salesmanship. Space does not permit of more than a statement of the outstanding accomplishments, and a summary of the detail changes.

A first consideration was to give the public an immediate demonstration of the new spirit of service. This was accomplished by liberal extensions of the transfer privilege and the elimination of many arbitrary and unwarranted transfer conditions which had only served to irritate the public, particularly after it had failed to secure relief by reasonable demands made upon the company. Commission and court proceedings had not secured the desired results because they viewed such questions largely as matters of administrative policy, and therefore not to be interfered with, but to be left to the management of the company.

THE WEEKLY PASS—AVERAGE FARES

Following this there began a series of experiments dealing with special fare arrangements by way of weekly passes in the outlying districts, a Sunday pass in the city of Pittsburgh, and ultimately on June 1, 1925, the weekly pass in the city of Pittsburgh. These modifications in the fare arrangements completely eliminated the many objections fairly made by many car riders that they had been obliged to pay two fares to travel comparatively short distances to their work, due to the fact that the railways service radiated from the downtown section of Pittsburgh like the spokes of a wheel and there had never been a satisfactory through-fare provision whereby one could go from one section of the city to another without a double fare. It is an undisputed fact that the weekly pass eliminated 95 per cent of all the former opposition to the fare and transfer arrangements in the city of Pittsburgh. It also operated to reduce the basic fare, which was ten cents or three tokens for a quarter, to an average of about 5¼ cents per ride.

Studies made show the following average fare per ride, as the result of the fare changes and concessions made, and disclose a steady trend downward in spite of the fact that the basic fare remains three tokens for a quarter:

1923	6.74	cents average fare per ride
1924	6.62	" " " " "
1925	5.77	" " " " "
1926*	5.27	" " " " "

*(4 mos.)

Other fare concessions have included the creation of nine five-cent fare zones in the past two years in place of the regular 8½-cent fare zones. In the last two years there have been more than 125 orders effecting over one thousand concessions in fares and fare collections, of which 34 were major changes. As a result thereof in 1925, with only seven months' operation under the general weekly pass, the company carried 370,412,204 passengers, as against 326,673,344 in 1924, with about one per cent decrease in gross revenues and with a slight increase in net revenue. Convenience and pleasure riding has substantially increased, largely because of the weekly pass, and it is estimated that each pass holder takes seven rides per day, or at the rate of about 3 cents per ride.

In the first four months of 1926, 135,000,000 rides were furnished by the Pittsburgh Railways Company, as against 108,000,000 rides during the first four months of 1923 (the last year of the receivership), or an increase of 27,000,000 rides, and the cost was $88,000 less to the car riders. A remarkable demonstration of efficiency of operation combined with the genius of salesmanship, and resulting in incalculable benefits to this community.

The new management promptly replaced all of the old single truck cars with new modern double truck cars, thereby adding to the seating capacity without increasing platform costs. These and many other improvements have, of course, found an equal response in public good will and co-operation, because the public has felt that the company was actuated by a sincere desire to serve and because it felt that the company was giving back to the public a fair share of the income which was reflected in better properties and better service, and for every advantage given to the company at least two were given back to the public.

In order to attract attention to the new cars and to the new spirit of service and management, the company initiated a scheme of painting the cars with a different color, using bright yellow instead of red, and in some instances, painting the cars with an aluminum paint. This was salesmanship of the highest type and of a subtle order in that it not only started public discussion and attention to the new cars, but it suggested a change in policies and management.

Each car really became a messenger advertising to the public the facts of better service, better co-operation and of a sincere desire to meet the public demand. For example, the new bright yellow crosstown car carried such slogans as "Your Suggestions Welcomed," "Use the Trolley—It's Cheaper," "Welcome Passenger."

DEFINITE MONEY PAYMENTS TO CITY

The contract provides that definite money payments per annum shall take the place of the former franchise obligations to pave and repair the streets within the railway area and in lieu of indefinite and uncertain car license and other municipal police and franchise charges. The company contributed to this result by a campaign of education both in the city and the neighboring municipalities, many of which have not become parties to the agreement, by signs placed on street work pointing out the amount of the car rider's money appropriated to take care of paving.

Another feature of the contract is that these money obligations to the municipalities are secondary to the agreed return to capital, and are only paid when earned. It thereby affords some flexibility in the financial requirements and operates in place of the "buffer" or "barometer fund" commonly provided in "service at cost" contracts.

The new management also found that it could not maintain its schedules due to congestion in the downtown section, particularly during the rush hours, and it promptly directed its consideration to possible changes in routing which would enable it to not only maintain its schedules but to increase the speed of the car. After bringing forward a plan for shorter looping, which was strongly opposed by the downtown Merchants Association, it was found that satisfactory results could be accomplished by additional franchises on the downtown streets, which would enable the company to serve the downtown merchants and, at the same time, maintain their schedules. Very radical and severe regulations and requirements in the matter of downtown parking of automobiles were also introduced. The result of the whole affair was that the company had the fullest support of the public and the downtown Merchants Association in securing the franchises and in enforcing parking restrictions, and now we have materially improved service in point of schedule operation and the downtown district is more generally served.

The management of the New York City surface cars has thought so well of these accomplishments in Pittsburgh, that the surface cars carry a placard advertising the fact that

> "PITTSBURGH DID IT"
>
> "New anti-parking ordinances were put into effect in Pittsburgh last year in order to provide room for moving vehicles."

The placard also discusses the advantages which had accrued from the parking restrictions in Pittsburgh.

Economies in operation have been accomplished by an increasing number of one man car operations, train operations, increased speed, reduced accidents, increased returns from car advertising, including the extension of car advertising to the outside of the car, and in many other ways too numerous to mention. The Railways Company owns and has taken over the operation of motor buses throughout the city, both as independent operations and as feeders to street car operations.

In the matter of car routing, the company has given most courteous and careful consideration to the various suggestions which have been made and which are constantly being made by car users, merchants and others. The company has, in a number of instances, experimented with rerouting, including some through routing, although not itself always in favor of the change. It has, however, thereby shown that its first consideration was to satisfy the public demand and, if necessary, by an actual demonstration prove the wisdom and justness of its more experienced and riper judgment. On the other hand, it has in other cases been disclosed that the change has worked to the advantage both of the public and of the company.

Under the present arrangements the company has reasonable assurance that the return to capital is not jeopardized or invaded by reason of these changes or experiments. The company is, therefore, ready and willing to try out promising experiments, and to test the merits thereof by an actual demonstration.

The flexibility of the whole arrangement in the matter of routing, schedules and fares is perhaps the most helpful feature of the contract arrangement. With this is now combined the present spirit of service, salesmanship and management of the most experienced and skilled order. Anyone living in Pittsburgh during the last ten years would readily admit that all these factors combined have produced results that almost seem to be miraculous, and that seem to defy the economic laws and overcome the diminished buying power of money.

CINCINNATI'S RIGHT ABOUT FACE IN GOVERNMENT

BY HENRY BENTLEY
President, City Charter Committee

The strategy of the campaign by which the City Charter Committee elected a majority of the council. How P. R. vindicated itself.

A GREAT campaign has been waged in Cincinnati and a new government is in control at the City Hall. This government is one in which the people have confidence, and the city council justified that confidence in its first official action by selecting as city manager, an outstanding executive and administrator, Col. C. O. Sherrill. Our new city manager has already won the support and confidence of the citizens, the press and the public officials of both the city and the county.

In November, 1924, by a vote of 92,510 to 41,105, the citizens of Cincinnati adopted an amendment to the city charter providing for a council of nine, elected at large, by proportional representation, and a city manager to be selected by the nine councilmen. The amendment was opposed by the Republican organization in Cincinnati and was carried despite the fact that it was voted upon at a presidential election and that the Republican candidate, Mr. Coolidge, polled 92,511 votes to 26,995 votes for Mr. Davis and 32,547 for Senator LaFollette.

To accomplish this astounding result, it had been necessary for the charter advocates to enter the political arena and form a volunteer ward and precinct organization. The bitterness with which the Republican organization in Hamilton county had fought the proposed amendment was a warning to the charter group of the fight that might be expected in 1925, and it was felt essential that some permanent organization be continued to support independents in the 1925 councilmanic election.

CHARTER COMMITTEE TAKES THE FIELD

Whether the City Charter Committee would place candidates in the field or would merely wait for the nomination to be made by the two political parties and independents and then select and indorse certain candidates was not settled until April. By that time it had become apparent that the strength of the Republican organization was so feared by independents that no real candidates could be expected to come forward unless assured the support of some organization. It was further evident that so many independent candidates were seeking nomination that the independent strength would be hopelessly divided and the machine would elect its men. Criticism of the new system of nomination appeared in the editorial columns of the newspaper that had fought the charter amendment on the principle of party responsibility. The charge was made that the charter committee had secured the charter amendment but was afraid to assume responsibility for nominations. The Charter Committee thereupon appointed a nominating committee and this committee sought out nine candidates representative of the community as a whole, and urged them to run for council, promising them their support.

Considerable discussion arose upon the question of whether five or nine candidates should be endorsed, but it was finally decided that better representation to the different elements in the community could be given by endorsing nine candidates and that strength would be gained rather than lost by presenting nine candidates and permitting the public to select among them in the order of their choice.

This decision was of vital importance, in fact the whole character of the campaign hinged upon it. The election of five councilmen was necessary to assure the selection of a proper city manager. The question was whether under the system of proportional representation, there was more likelihood of electing five, by nominating nine, or by nominating a lesser number and concentrating the strength of the organization upon five or six candidates. The strategy of election under the plurality method suggested the nomination of the smaller number, pure mathematics and the theory of P. R. supported the nomination of nine, provided the voters could be educated to mark nine choices upon their ballots. The decision to nominate nine committed the charter committee to a campaign of education.

GUARD AGAINST THEFT OF CANDIDATES

The nominations were decided upon in the latter part of May and were approved at a meeting of the board of directors of the City Charter Committee held on May 26, 1925. Prior to presenting the names, the nominating committee secured from each candidate a written acceptance of the nomination and a promise to run on the ticket and lend support to the election of the other eight candidates. This was very important as it prevented the Republican organization from making a partial endorsement of the group by selecting one or two of the candidates endorsed.

This was the second important decision of the campaign. We had before us the history of the Cleveland election of 1923, where the two political parties after the candidates had been nominated, selected those most likely to win and gave them the party indorsement. To avoid the possibility of the Republican machine selecting certain of our candidates and indorsing their candidacy and in this way breaking the solidarity of the charter group, we secured the pledge of each charter candidate that no literature endorsing that particular candidate would be sent out unless it carried with it one of the campaign cards which the Charter Committee would print. These cards were uniform in design.

The candidate's picture appeared on the left side of the card, and the face of the card requested a vote for this candidate as first choice. On the back of the card appeared the names of all nine charter candidates, with the figure 1 before the name of the particular candidate whose picture appeared upon the face of the card, and the request that the other eight names be numbered from 2 to 9 inclusive. In this way each individual's campaign was made to contribute to the general strength of the entire ticket and the votes cast for any candidate who might be defeated would assist in the election of some other charter candidate.

Under this system it was not necessary to ask the candidates not to accept the indorsement of the Republican organization. The Republican organization could not campaign for one or two of the charter candidates without campaigning for all. This was of great importance as six of the nominees of the Charter Committee were Republicans in national politics, and at least two of them would have been acceptable to the Republican organization. If these two had been indorsed by the Republican organization, it would have been possible for that organization to have claimed that it had won the election as these two together with the three elected by the Republican organization would have constituted a majority of council.

As soon as the names of the candidates were announced, the City Charter Committee circulated petitions for their nomination and in a few days secured the necessary signatures. This was the first test of the ward and precinct organization that had been created, and it was so successful as to create a feeling of encouragement.

Efforts were made immediately to line up the newspapers in support of the charter candidates, and the final result was that the *Cincinnati Post* (Ind. Dem.) endorsed nine of the candidates, the *Cincinnati Enquirer* (Dem.) endorsed six, the *Commercial Tribune* (Rep.) endorsed five, and the *Times-Star* (Rep.) endorsed four. The newspapers opened their columns to the Charter Committee with great freedom. A corps of speakers was secured and during the last thirty days of the campaign, the Charter Committee secured an average of ten columns of newspaper publicity per day in the four newspapers. As the campaign got in full swing, more and more of the Republicans swung into the independent column and came forward to support the Charter candidates.

The actual campaign was opened on September 5, 1925 by arranging a charter day at Chester Park, one of the amusement parks in Cincinnati. All of the candidates were presented to the public and spoke a few words. The keynote of the campaign was sounded, "Give the Charter a Chance —Elect Its Friends."

POLITICAL OPPONENTS WAKE UP

Up to this time the Republican organization had been rather quiescent. It now became active, announced the opening of its campaign, and indorsed six candidates. Its decision on this point was directly contrary to the decision of the Charter Committee. The Charter Committee as previously explained had indorsed nine candidates and had decided not to recommend the order of their preference, but to leave the question of preference to the choice of the individual voter. The Republican organization decided to concentrate its strength upon six candidates and to district the city among these candidates and to support different candidates as first choices in different districts. The intention was to appeal to the spirit of ward representation and secure the support of the groups opposed to election at large. The results of the campaign showed that the decision of the Charter Committee was the wiser. The Republicans resented the effort of the Republican organization to dictate the order of their preference in voting, and in some instances this resentment caused the voter to cast his ballot for the charter group, whereas had he been permitted to select his own preference within the group of Republican candidates he would have supported the Republican ticket. This method of campaign also had another disastrous effect upon the Republican ticket. As the fight got hotter and the Republican nominees saw that the machine could not assure the victory of all six candidates, they commenced to fight among themselves. Friends of Republican candidates sought first choice votes in districts that had been apportioned to other Republican candidates. The cry began to go up that favoritism had been practiced and that some Republican candidates were being double crossed. As a result while the nine charter candidates were waging a united battle against the opposition, the Republican candidates were spending part of their energy fighting each other for first choice votes. There can be no question that the method of campaigning adopted by the City Charter Committee worked more harmoniously and efficiently than the method adopted by the Republican organization.

Six of the nine candidates nominated by the City Charter Committee were Republicans, and three Democrats. Of those elected, four were Republicans and two were Democrats. On the first count 76,405 first choice votes were cast for the charter candidates and 33,304 for the Republican organization candidates. This represented practically identically the same percentage of votes as the vote carrying the city charter in 1924, proving that the spirit of that campaign had been carried over the year. Of 10,021 votes cast for the independent candidates, two-thirds were transferred to charter candidates on the second choice. The ninth place was a very close fight, Cecil Gamble, one of the charter candidates, being defeated by Mr. Lackmann by the close margin of 77 votes on a total quota of 11,974. The charter group was sorry to lose Mr. Gamble, but truth compels the admission that proportional representation was justified in the selection of three Republican organization candidates and six charter candidates, rather than of two Republicans and seven charter candidates.

THE MERITS OF P. R.

In the opinion of the writer, proportional representation justified itself in the Cincinnati election. It permitted the citizens to think of candidates as individuals and not as units in a block. Practically, it resulted in the general election being both a primary and a general election and had the same effect as a law that would forbid any individual voting at the general election who did not vote at the primary. It is perfectly true that had the election been held under the old system of voting for two blocks of nine candidates each, the Charter Committee with its vote of 76,000 against 33,000 would have elected all nine of its candidates. However, this result would not have followed had it been necessary to conduct the campaign for a group of nine individuals. The four newspapers in Cincinnati could not agree upon which candidates of the Charter Committee they should support. Each paper selected a somewhat different group. Had it been necessary in order to secure their endorsement that they accept all nine candidates, the campaign would have been conducted with the support of only one newspaper instead of the support of all four newspapers. It was impossible for any newspaper to oppose the Charter group as a whole by reason of dislike for any one or more candidates. The newspapers were called upon to support individuals and not blocks of candidates and for the first time in a political election in Cincinnati the public studied the record, character and ability of individual candidates and was not misled into voting for "birds" rather than for men. This, in the writer's opinion, constituted the great advantage of proportional representation in the Cincinnati municipal election. It broke the solidarity of group government and placed the decision where it should be placed, upon the fitness of the particular individual candidates.

The most dramatic event was the culmination of the campaign to get out the registration. On October 1, and October 8, the first two days of registration, fewer than 70,000 voters registered. An intensive campaign was conducted to get out the registration on October 16, and 17, the last two days. Ward and precinct workers were aroused. Slips of paper urging the duty of registering were distributed in all the retail stores where co-operation could be enlisted. Slips were delivered at homes by insurance solicitors as well as by salesmen of installment houses. On Friday October 16, it rained steadily all day long, and gloom encircled the charter headquarters. This gloom was broken when the astounding total of the day's registration, nearly 30,000 was disclosed. On Saturday October 17, the registration was nearly 40,000, bringing the total registration up to 139,000, or 14,000 more than the registration in the city of Cleveland.

THE DAY OF ELECTION

The election machinery of the state of Ohio is bi-partizan and the board of elections consists of two Republicans and two Democrats. The City Charter Committee had no authority to appoint either witnesses or challengers at the polls. Recourse was had to another provision of the state law which permitted a committee advocating or opposing an issue to appoint witnesses and challengers. A committee, consisting of three friends of the City Charter movement, filed its application with the board of elections asking to be recognized as a committee, favoring a constitutional amendment which was to be voted upon at the same election. This committee was recognized by the board of elections and thereupon obtained the right to representation at the polls. It was upon credentials signed by this committee that the witnesses and challengers of the City Charter Committee were admitted to the polls.

The City Charter Committee headquarters were busy the evening before election and during election day straightening out disputes that arose over the rights of these witnesses and challengers. Automobiles were kept available and as each complaint came in, the board of elections was called, a ruling obtained and an automobile sent to the precinct involved, carrying a representative of the Charter Committee and a policeman with instructions from the board of elections. There are 482 precincts in the city and the Charter Committee had 934 men and 1350 women working on election day, so that each precinct was well covered. The board of elections, both the Republicans and the Democrats, were eminently fair. Through the courtesy of the two Democratic representatives on the board, William Leonard and Supply Butterfield, the City Charter Committee was permitted to select twenty-five of the one hundred clerks appointed to count the ballots at the central counting place.

THE COUNT, PROLONGED BUT ACCURATE

For several weeks before the election, arrangements for the count were discussed by the board of election and it was finally agreed that the south portion of Music Hall be rented. Under the charter amendment, the ballot boxes were to be sealed at the precincts and sent in to a central counting place. Thirty taxicabs were engaged by the board of elections, and thirty routes laid out for these taxis to collect the ballot boxes from the 482 precincts and bring them to Music Hall. Each box was sealed with a strip of paper signed by the election officials, and a record of the number of ballots was delivered with the box. On each taxi two policemen were placed. The City Charter Committee secured thirty motorcycle detectives and gave to each one the route of a taxicab, with instructions to follow the taxicab from the moment it started to collect ballot boxes until it delivered them at Music Hall. In this way, the ballots were watched all day by the challengers in the 482 precincts, all through the streets in transit to Music Hall by the motorcycle detectives, and all through the count at Music Hall by the twenty-five clerks appointed by the Democratic members of the board of elections, upon nomination of the Charter Committee.

The election count was long drawn out but accurate. There is no question whatever that with the experience gained, the count can be completed in less than one-third of the time in 1927. In the next election, arrangements should be made for the employment of skilled clerks, and these clerks should work in six hour shifts, thus avoiding all the delay and confusion of adjournments for meals and sleep. Sufficient skilled men could be borrowed from the banks of the city for this purpose, and there is no necessity of requiring the selection on the basis of national politics. If the board of elections should be unwilling to coöperate in such a movement, the results can probably be secured by an amendment to the city charter placing the selection of these clerks in the hands of the city officials.

RESULTS

Only two of the candidates, Judge Edward T. Dixon and Murray Seasongood were elected on the first count. Both candidates received tremendous surpluses and these surpluses assisted in the election of two other charter candidates, Tylor Field and Charles O. Rose, before the Republican organization succeeded in electing its first councilman, Fred Schneller. The sixth and eighth councilmen elected were charter candidates, Judge Stanley Matthews and Julius Luchsinger, and the seventh and ninth councilmen elected were candidates of the Republican organization, Martin Daly and Charles Lackmann.

Immediately after the election, the six charter councilmen elect had held a meeting and had started to investigate candidates for city manager. Representatives had been sent to the National Municipal League conference in Pittsburgh and to the meeting of the City Managers' Association in Grand Rapids. The choice finally fell upon Col. C. O. Sherrill, director of parks and public buildings in Washington, D. C., and formerly aide-de-camp to Presidents Harding and Coolidge.

Murray Seasongood was selected as mayor and inducted into office on January 1. Mr. Seasongood had been one of the early supporters of the entire charter movement and had contributed to the campaign for the charter and for the election of council. The selection of Mr. Seasongood as mayor met with wide, popular approval.

The new city manager has won popular support and the commendation of the newspapers, for his skillful handling of municipal problems during the first months of his term of office. Very few employees have been displaced, and the word has gone around that all employees that are efficient will be retained. This of itself has produced a better morale among the city employees and their work is being handled more efficiently.

It is too early to predict ultimate success, but the results so far achieved encourage the workers to believe that a new day has dawned in Cincinnati, and that under a clean, honest, and efficient government, the city will continue to move forward. It looks as if the dreams and the visions of the citizens who sought a better and a cleaner government were to be realized.

WHAT A MODERN BUILDING CODE SHOULD CONTAIN

BY W. L. SNOOK

Builder and Member Santa Barbara Architectural Advisory Committee

This article is at once a guide to those drafting new ordinances and a means for checking up the adequacy of present codes. :: ::

An understanding of the proper contents of a building code cannot be attained without a preliminary discussion of the methods and policies to be followed by a municipality in drafting such a measure, enforcing it and making future inclusions of new developments in design, material or practice.

A modern building code and the enforcement policy of the building department should be sponsored by a commission of citizens who have the confidence and respect of the public, as well as experience in some particular phase of the building industry. The personnel should include men individually qualified as follows:

1. A man intimately acquainted with building-finance; preferably the secretary of a building and loan association or the building loan or trust officer of a bank.
2. An owner-manager of one or more large buildings.
3. A fire insurance expert.
4. A representative of the fire department; either the chief, fire marshall or fire prevention officer, depending on the local organization.
5. A practicing structural engineer.
6. An architect.
7. An attorney.

8. A member of the city planning commission.
9. A member of the city council.
10. A representative of the builders' exchange or associated general contractors.
11. A representative of the allied building trades council.
12. A representative of the health department.
13. Several citizens who are recognized by the community as being open-minded, fair and possessed of practical common sense.
14. The chief enforcing officer of the building code (to act as the executive secretary).
15. The city manager or the mayor (to be an ex-officio member).

Although this seems to be a large commission, it should be so in order fully to perform its duties which will be to formulate the policy of the building department, to act as a board of appeal, and to help the building department obtain the confidence and support of the council and public.

The executive officer should be a man of high ideals tempered with common sense, experienced in the practice of building construction, familiar with structural engineering and provided with ample time and opportunity to encourage better housing, architecture, and methods of construction. He can accomplish far more by leading and educating the builders than by driving them, although there always will be a few who will have to be driven.

WHAT SHOULD BE THE SCOPE OF THE CODE?

The control of the height and bulk of buildings is best cared for in a separate law covering the general question of zoning, but in the absence of such a law the control must be provided in the building code.

Moreover, the time is coming when municipalities must realize that buildings of poor architectural design lower the value of adjoining property. In the future we shall adopt the ways of European cities and control the street façades of buildings, at least to the extent of prohibiting the hideous and incongruous so abundant in some of our older cities.

Reconstruction after the earthquake gave Santa Barbara an opportunity to demonstrate the advantages of control over the aesthetic phase of building. Through the efforts of the architectural board of review, Calle del Estado, once an unpleasant hodgepodge of ugly store fronts, is now an unusually beautiful thoroughfare recalling the romantic heritage of the days of the Missions and the Spanish pioneers.

An important question to be decided in considering the necessary contents of a building code deals with the inclusion or omission of regulation of those phases which are not primarily matters of health and safety, but nevertheless are of vital concern to public welfare.

The following are typical matters to be considered in connection with public welfare.

1. Unsightly shacks, rat infested sheds, highly inflammable dwellings.
2. Poor or thin plastering.
3. Weather-proof qualities of roofs.
4. Recognition and use of the specifications and labels of the Underwriters' Laboratory pertaining to the protection of Openings.

In regard to the latter, it is of interest to note that the owner can not get reduced insurance rates until he protects his exposed openings with equipment bearing the Underwriters' Label.

SPECULATION BUILDERS AND FLY-BY-NIGHT CONTRACTORS

Some authorities will appreciate that public welfare is as essential a police power as public safety; especially will those who have had experience in rapidly growing communities where many speculative builders and "fly-by-night" contractors collect lifetime savings in exchange for poor workmanship and material and then calmly inform the victim that "there is nothing that can be done about it."

The difference between a short-weight merchant and a short-weight builder is that between a petty thief and a wholesale thief: the first is liable to jail, but unless the code protects the public against poor building practice, the other is merely a too shrewd business man, left at liberty to impose on the credulous and discredit the fair price asked by the legitimate builder for good workmanship and materials.

Where homes are built as investments and retained for long terms by their original owners, the foregoing matters are not so pertinent as in communities where a very large portion of the buildings are erected with the intention of an early sale. Such buildings are nothing more than articles of commerce and, as such, are subject to all the rules necessary to establish honest dealing and protection for the community.

THE CONTENTS OF THE CODE

After taking into consideration the foregoing, we are now ready to discuss the contents proper of a building code as divided into subdivisions or chapters.

I. ORGANIZATION, OPERATION AND RECORDS OF THE BUILDING DEPARTMENT SHOULD PROVIDE

(a) Personnel.

A chief enforcement officer.

A corps of qualified assistants: structural engineer, plan checkers, field inspectors, mechanical engineer, plumbing inspectors, and electrical inspectors.

(b) Permits.

Under this heading is placed the control of the design of buildings prior to the actual construction activities. The requirements should provide that adequate plans be filed, together with computations and stress diagrams whenever needed, and the approval of the department indorsed thereon. Plans of larger buildings and those in which people assemble should be required to be prepared by qualified men. (Our courts and laws recognize the need for qualified men in medicine, dentistry, law, pharmacy and teaching, but few people realize the obvious need for specialized training in the field of building design. After we have a few more catastrophes and kill a few more hundreds of innocent people, the recognition of the engineering profession will come.)

Following compliance with the foregoing, the permit should be issued and the owner required to erect the building as shown on his approved plans. These plans, endorsed by the department, must be kept on the job and available to the field inspectors, who can then enforce the code simply by requiring that the plans be complied with. In case the owner desires subsequent alterations he must obtain further approval.

Fees. The use of the building

department in the collection of taxes under the guise of building permit fees is very common though unfair and unwise. The man planning improvements which will increase the taxable property in a community as well as enhance the value of adjoining property should not be required to pay a special tax in advance.

The expenses of the building department should be raised by general taxes, just as are those of the police or fire departments, and the public should be encouraged to consult and take advantage of the services of the building department.

If the building permit fee system is used, the fee should be large enough to pay the expenses of the entire department and any surplus should be returned to the public in more and better trained inspectors, instead of being used for general funds.

(c) Plan Checking.

This is the careful analysis and checking of plans by the structural engineer and plan checkers, before the construction of the building is started. No permits should be issued until this has been done, and if the checking shows the plans to be either incorrect or incomplete, they should be corrected before the permit is issued. (A competent checking of engineering features can be provided by the building department, at a net saving to the community, due to the volume of work handled and experience acquired.)

(d) Field Inspection.

The inspection of all buildings during erection. Smaller buildings are best covered by a combination patrol and call inspection which are most effective at the following stated times.

1. After excavation for foundation trenches and delivery of foundation material.
2. After the wooden frame is in place and before interior lathing is applied.
3. After completion.

The owners of larger buildings, and particularly those buildings in which the public is to assemble, should be required to maintain an inspector, responsible and satisfactory to the building department, during the erection of the building.

(e) Authority.

The building department must be given authority as follows:

To stop erection of a building, any portion of which does not comply with the code.

To compel the completion or removal of partially erected buildings.

To compel the repair or removal of unsafe or dangerous buildings.

To enter premises for the purpose of making inspections.

To refer the questions of the strength or fire-resisting qualities of a new material or method to a sub-committee of the commission for examination and test, and then to issue or refuse permits according to their findings.

(f) Records.

The records required to be kept by the building department should include:

Card index record filed by streets and street numbers containing:

A reference to the application by means of its serial number.

A general description of the building by class of construction, height, length, breadth, number of stories, number of rooms.

The serial number of electrical permits.

The serial number of plumbing permits.

The names, addresses and telephone numbers of owners and contractors.

Dated reports of inspections and identity of the inspector making them.

Dates of application and permit.

A loose leaf typewritten ledger showing the serial number of the permit, dates, legal description of the property, owner's names, valuation, and other information needed to make a report to the auditor and assessor. (Carbon copies of these make admirable reports at a minimum of expense.)

II. CLASSES OF BUILDINGS

For the sake of brevity and convenience, the various types of buildings should be divided into three classes, such as fireproof, semi-fireproof, and wooden frame. These three may be subdivided into many divisions to give an opportunity for further regulations pertaining to the use, height and area. However, with the exception of those cities having large manufacturing, shipping and wholesale districts, further detail in classification is not of advantage.

A simpler method is to require additional protection to a major class by defining the uses to which the building may be put and in limiting the height to which it may be erected.

Fireproof. A building having a complete framework of fireproofed steel or reinforced concrete, fireproof floors and no wooden structural numbers. No limit to height, area or location except as determined by the use.

Semi-Fireproof. Exterior walls of self-supporting masonry and combustible floors. Height limit, six stories if interior framework is of fireproof columns and girders, without such a framework, four stories. Area limited according to location and installation of automatic sprinkler systems.

Wooden Frame. All other buildings not included in the first two classes. Height limit, if plastered interior and exterior on metal lath, three stories, otherwise two. Maximum area 7500 square feet unless separated by firewalls. Exterior walls must be kept four feet away from private lot lines. Wooden exterior coverings are prohibited in closely built-up sections, such as the usual apartment district.

These three classifications can be made to answer all conditions, or each class may be subdivided into from three to five sub-classes, indicated by a letter for the main classification and a number for the sub-classification.

III. FIRE DISTRICTS

Three classes of fire-districts are advisable. Such a plan will make possible the protection of the commercial district by means of a surrounding district in which the more inflammable types of buildings can be prohibited. This method will relieve the unfairness to property owners close to borderlines when only two classes of districts are employed.

In the first fire district, all exposed vertical openings must be protected with automatically closing fire doors, or shutters, or with metal frames and wire glass.

IV. SPECIAL USE BUILDINGS

This chapter should contain the regulations covering theatres, churches, schools, public garages, auto service buildings, storage and handling of liquid fuels, storage of foodstuffs, hospitals, reviewing stands and grandstands, cleaning and dyeing establishments.

Theatres. Provide for special permits to operate, exits, aisles, stairs, ramps, exit courts, foyer space, stage fire protection, smoke vents, attendance of fireman during performances, other uses of the building, construction of dressing rooms and their location, a resilient stage floor, construction of the fly galleries and pin rails, emergency exit lights, location and nature of heating apparatus, location and separation of storage rooms and workshops, and the construction of the projection booth.

Churches. Large churches should be fireproof buildings. All churches should have aisles and exits similar to theatres. Sunday schools should be provided with fireproof halls and corridors just the same as common schools. Public schools should be limited to two stories and every class room should have two means of egress. Corridors and stairways should be fireproof. All toilet rooms should have good ventilation and non-absorbent walls and floors.

Public Garages and auto repair shops should be semi-fireproof, and if over one story or having basement, they should be fireproof. Such buildings should be equipped with "No smoking" signs, means of ventilation, separate flame or torch rooms, and fire-fighting equipment such as sand barrels and fire extinguishers.

Auto Service buildings should be either fireproof, semi-fireproof or all metal.

Liquid Fuels should be confined in tanks protected by fire walls of reinforced concrete, enclosing sufficient space to contain the oil in case the tank be destroyed or set on fire. This space should be at least 25 per cent greater than the tank, due to boiling and other disturbances which occur when oil tanks are afire. Gasoline and similar fuels handled for auto supply or for cleaning purposes should be kept in vented tanks, buried four feet under ground, and all pumps must be of a nature that will not subject the tank to pressure.

Cleaning and Dyeing Plants should have all rooms in which inflammable liquids are handled constructed of fireproof walls and ceilings, and equipped to smother out any fire by means of steam jets.

Storage of Foodstuffs should be permitted only in rat- and vermin-proof rooms having sanitary floors.

Hospitals more than one story high should be fireproof and provided with two means of egress through fireproof corridors and stairways. Hospitals of one story may be permitted if they are constructed of wooden frame walls, covered with metal lath and cement plaster, and if all heating plants or other sources of fire danger are separated from the main buildings.

Review Stands and Grandstands. Since these structures will have to withstand the stresses imposed upon them by the simultaneous movement of a large mass of people, their construction should be specified in detail and with due consideration given: (1) To the tendency of the erectors to follow the unreliable practice of nailing instead of using direct bearings; (2) to the desire to cut as little as possible of the rented lumber often used where the work is temporary.

V. STRUCTURAL ENGINEERING

Structural engineering divides itself into three parts as follows:

(a) Structural Steel.

The recommended standard specifications of the American Institute of Steel Construction (as they intend to amend them shortly) is ideal for this purpose and is being adopted by many cities and is approved by the United States bureau of standards.

(b) Reinforced Concrete.

Reinforced concrete should follow the latest recommendations of the "Joint Committee," as to design and stresses allowed. In addition a requirement should be inserted for the testing of samples of the pouring, with a penalty of reduction in height and loading allowances of the building if any of the samples show a poor concrete.

The batch of concrete should be required to be in the mixer for at least one minute with a minimum water content.

These specifications are found in detail in the code recommended by the Portland Cement Association.

(c) General Engineering.

In this should be incorporated detailed specifications for:

1. All other acceptable materials.
2. Excavations adjoining streets and buildings.
3. Bearing value of foundation sites.
4. All kinds of foundations, retaining walls and their shapes.
5. Live load requirements.
6. Wind and lateral bracing.
7. Design of roof trusses.

The greatest opportunity for improvement over the usual code is in the live load requirement. The past practice has been to design for live loads so as to secure stiff floor systems capable of sustaining heavy concentrated loads. This is as it should be, but the fault has been that this requirement has been carried into columns and girders where it is not needed, as it is self-evident that an entire room will never be occupied by heavy objects (except in factories, warehouses, etc.), and that much of the floor space will always be unoccupied. In addition to the wasted material the former practice results in foundations that are not proportioned to the actual loads. This causes unequal settlement and exaggerated footings under the interior columns where they are the least needed in resisting earthquake stresses.

The most interesting and important lesson from the Santa Barbara earthquake experience shows that buildings must be laterally braced and the various parts tied together to form as cohesive a structure as possible. The usual practice is to accept the dead weight of walls as being lateral support. Nothing could be more erroneous when viewed in the light of our experience.

The true measure of a building's lateral bracing requirement is in a *per cent of its weight.* However, in the case of light weight buildings, such as large factory or warehouse buildings with a steel or wooden frame and walls of metal, the wind bracing need be the only consideration, the amount required being based upon the area exposed to the wind.

In addition to the foregoing requirements there should be included rigid specifications for the quality of brick, brick-mortar and workmanship to be employed in the construction of masonry walls. To give masonry walls the tensile qualities and bonding for joist anchors that these buildings need, reinforced concrete bondstones must be provided at the floor and roof lines.

VI. GENERAL PROVISIONS

Under this heading are grouped the regulations not of an engineering nature that are common to several types of buildings.

The following is an enumeration of them with brief comments:

(a) Plastering.
  1. Where required.
  2. Material for base.
    Metal lath.
    Plasterboard.
    Wood lath.
  3. For exterior.
  4. For interior.
  5. For fireproofing structural members.
  6. For halls and stair wells.
  7. For auto storage rooms in dwellings, apartments and hotels.

(b) Use of sub-sidewalk, space and openings in sidewalks. Reserve space for ornamental light poles and their conduits, incidental pipes for water, gas and sewage. Require openings to be near the curb in order to avoid unnecessary interference with pedestrians.

(c) Skylights.
  Require metal frames and wire glass.

(d) Cornices, belt courses and balconies.
  Control the amount of projection and the fireproof qualities.

(e) Roof Drainage.
  Carry to curb under sidewalk in commercial districts and where the buildings occupy a large proportion of the lot.

(f) Marquise, awnings and arcades.
  State clearance above sidewalk; require architectural merit and special permits for permanent construction.

(g) Mezzanine floors.
  Describe permissible extent and construction.

(h) Ventilation of toilet rooms in stores, etc.

(i) Roof signs.
  Specify galvanized metal, maximum height and wind resistance.

(j) Tents and tent houses.
  Require special permit from committee or council.

(k) Electrical installations.
  Require room for meters, switches, etc.

(l) Mansard roofs.
  Describe when they shall be constructed as walls.

(m) Roof tanks.
  Require anchorage and fireproof support.

(n) Parapet fire walls.
  Prohibit on street fronts, unless between columns. Give minimum and maximum heights on sides and rear of buildings.

(o) Elevator shafts, chutes and other vertical openings.
  Must have fireproof walls and linings.

(p) Towers and spires.
  Require adequate anchorage and lateral strength.

(q) Roof tile.
  Require secure fastenings.

VII. STAIRS, FIRE ESCAPES, FIRE-FIGHTING EQUIPMENT

Stairs. Efficient width 42 inches. Number required to be proportioned according to the type of construction, size and use of the building with a larger area per stairway permitted in larger buildings.

Encourage fireproof stairways in lieu of fire escapes. Require all fire escapes to be equipped to reach the ground by means of vertical-sliding counter-weighted ladders.

Arrange stairways and fire escapes to provide two means of egress for all occupants with at least two stairs reaching the ground level, in all buildings in which large numbers of people work, such as light manufacturing, hotels and apartment houses, except very small area fireproof hotels and apartment houses.

The typical iron fire escape on the exterior of a building was adopted as an expedient for a building that had been erected without intelligent regard for means of exit in case of panic or fire, and should be discarded in modern buildings because they are dangerous to use, have a high depreciation and are inadequate for the escape of invalid, infirm or timid people.

Allow recessed balconies with fireproof floors, steel stairs not less than 30 inches wide, and all openings to the interior protected by means of metal frames and wire glass, as an alternate that will be an effective fire escape.

Dry standpipes should be located and arranged so that the fire department can use them to protect the building against adjoining fires as well as a fire within the building itself.

VIII. HEATING AND SMOKE APPLIANCES

Fireplaces, chimneys, smoke stacks and furnaces should be regulated. Their requirements are so well known that further comment is unnecessary in this article.

IX. BUILDING EQUIPMENT

This chapter should cover the regulation of elevators, steam boilers and similar matters unless they are adequately regulated by the state.

X AND XI. PLUMBING; ELECTRICAL WORK

A complete code will include the regulation of plumbing and electrical installations.

XII. VENTILATION AND HOUSING

In the absence of state regulations governing ventilation, yards, courts, light and air and kindred housing regulations, such can be included in the building code or placed in a housing code.

XIII. THE PROTECTION OF WORKMEN

By means of barricades around open well holes, scaffold specifications, hoisting elevator protection, temporary toilets and similar measures, should be incorporated to enable the building department and other local agencies to enforce them.

XIV. THE USE OF ADJOINING STREETS

Storage and handling of building materials as well as the protection of pedestrians desiring to pass the building site, will have to be controlled.

The lack of good pedestrian facilities in front of a building in course of construction will often work a serious hardship on the owner of adjoining business.

RECENT BOOKS AND REPORTS

The Presidential Primary. By Louise Overacker. New York: The MacMillan Co., 1926. Pp. 308.

In the brief space of 207 pages—the remainder of the book is given over to an appendix the contents of which will be discussed later—and in a style that admirably combines brevity, clarity, and interest, Professor Overacker has analyzed and evaluated the presidential primary in the twenty-six states which up to the present time have taken some action to control their delegates in the national conventions. This is a book which ought to be welcomed by any student of nominating methods, or of the efforts to establish popular control of government, for, as the author herself says, "in its broadest aspect the presidential primary has been part of the general movement for more democratic control of American government". It ought in particular to be welcomed by those (and we believe they are many) who agree that the presidential nominating process is "a political 'one hoss shay' which has completely broken down."

The book is divided into four parts. Part I—being an introduction to the whole subject, outlines the problem and the method of attack and concludes with a brief history of the presidential primary movement in the states. In Part II—State Laws and Their Operation—the time of the primary, methods of proposing candidates and of electing delegates, control of the action of the convention, the form of the ballot and the effect which various forms have, etc., are discussed in detail. Part III—The Effect of the Primaries—is devoted to consideration of issues, technique, party organization, expense of the primaries, etc. Part IV—Possible Development of the Presidential Primary—is perhaps the most interesting section of the book for here we get a consideration of the possibility of further control of the presidential primary through state action, the proposals for a national presidential primary, and the outlook for national action, as well as the author's conclusions. Stated in brief form, national action is considered improbable because of the difficulty involved in passing the necessary constitutional amendment, the difficulty of securing agreement to a primary plan, and the reluctance to permitting the national government to take over the functions of election, but "practically the same end may be obtained through state action if substantial uniformity of certain important features is secured". How "substantial uniformity" of these "certain important features" is to be secured is carefully analyzed by Professor Overacker.

In the introductory chapter, the author states that "if there be anything unique in the method used in the preparation of this study it lies in the extensive use of newspaper material." It is believed that this method—the support of every statement by illustrations drawn from actual practice—has much to do with producing the quality that sustains interest throughout. It should also be mentioned that not the least interesting part of the book is the appendix—containing a Calendar of Presidential Primaries, A Digest of Presidential Primary Laws, Statistical Tables, and Typical Ballots, in addition to the Bibliography. A word might also be added about the excellence of the type and of the form of the book, both of which contribute much to its readable quality.

This is by far the most comprehensive study which has been made of the presidential primary. It not only offers much material not previously available at all but brings together in one compact volume much that was not readily available.

Helen M. Rocca.

Washington, D. C.

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Documents Illustrative of American Municipal Government. By Thomas Harrison Reed and Paul Webbink. New York: The Century Company. 1926. Pp. 609.

Teachers of municipal government will find in this collection of documents a useful source book illustrative of the development of municipal organization. The editors have brought together within the compass of one volume selections from constitutions, laws, charters, cases, and official reports, which set forth what, in their opinion, is most significant and typical in the changing structure of our municipal institutions.

The materials are grouped under thirteen main topics. Selections under the first two relate to

"The Beginnings of City Government in the United States" and the "Development of City Government in the United States during the Century Succeeding the American Revolution." Here we find included such selections as the Nicolls and Dongan charters of New York, the 1835 Report on Municipal Corporations in England and Wales, and extracts from city charters, of the period between 1789 to 1873, of such cities as Philadelphia, Baltimore, Boston, Chicago, New York, and San Francisco. Documents to illustrate the topics "The Growth of the Power of the Mayor" and "The Weak Mayor Plan of Government" include the New York charters of 1870, 1873, and 1901, extracts from the reports of the Boston Charter Commission and the Boston Finance Commission, the charter of Ann Arbor, Michigan, and extracts from the general borough law of Pennsylvania. Twenty-one documents listed under the subject, "Municipal Rights and Liabilities," and including state constitutional provisions, state laws, committee reports, judicial decisions, illustrate the plenary power of legislatures to deal with municipal affairs, unsatisfactory relations existing between cities and states, the doctrine of the inherent right of local self-government, restrictions on the chartering of cities by special legislation, classification of cities for legislative purposes, home rule clauses in state constitutions, home rule enabling acts, the extent of home rule, and liability for corporate acts. A section that is timely and one to which the editors devote considerable space is the one on "The Government of Metropolitan Areas." The documents presented here illustrate both foreign efforts and American attempts to cope with this problem. The remaining documents contained in the volume illustrate the subjects, "Municipal Reform Organizations," "The Commission Plan of Government," "The Manager Plan," "The Development of Nominating and Election Machinery," "Proportional Representation," "Initiative, Referendum, and Recall," and "How the City Conducts its Business."

Opinions of various authors about the problems of municipal government are usually readily available. Acquainting the student with the use of source materials is admittedly an indispensable part of the study of municipal government. But hitherto source materials have been too inaccessible to the student, and, consequently, there has been a tendency to neglect them. The editors have performed a valuable service for teachers and students of municipal government in bringing together such representative and inaccessible materials. The volume is not a comprehensive book of readings of the sort that aims to supply the instructor with a complete set of readings for a course in municipal government. But it is inconceivable that any book of readings could supply such a service. The editors have not attempted to bring in many materials to illustrate actual municipal administration. More attention might have been paid to the subjects of municipal finance and civil service. Also there is no attempt to illustrate the subjects of zoning and city planning. In conclusion, therefore, the reviewer feels that such a useful set of readings covering the changing structure of municipal institutions suggests the need for a second set of readings covering the field of actual municipal administration.

Martin L. Faust.

University of Pittsburgh.

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The Usages of the American Constitution. By Herbert W. Horwill. Oxford: Oxford University Press. 1925. Pp. 251.

Although written primarily for an English public Mr. Horwill's book deserves and no doubt will find a much larger circle of readers on this side of the Atlantic. One may question his observation that "American research has largely ignored the part played by usage in the actual working of the Constitution." The interpretation of this statement turns on the word "largely," but it cannot be denied that our writers have contented themselves hitherto with "incidental references to particular usages . . . scattered here and there in many books on American government."

Mr. Horwill's distinct contribution consists in defining the field as a whole and in dealing with a large number of our more important usages freshly and concisely, illustrating them with a fullness supplied by long residence and by close study and observation. His comment is broad and judicious, not untouched at times by a delightful irony,—as to the latter witness particularly his discussion of American "Titles of Honour" and the paragraph completing the book which latter is unsurpassed even in Montesquieu for all his Gascon origin.

So large is the range of usages covered that the author is almost too modest in his disclaimer that he has not given "a complete and exhaustive account of the subject." It is true that apart from some striking references to national conventions he has not gone into party machinery and party rules but this field is by no means so largely covered by *unwritten law* as when Woodburn called attention to it in this connection. On the other hand he does discuss usages that have grown up in connection with the election of a president, "accidental" presidents, third presidential terms, the cabinet, cabinet and congress, appointments and removals, the power of the purse, the insistence upon residence of congressmen in the districts which they represent, and a number of miscellaneous usages. Three general chapters: "What is the American Constitution," "Changes in Constitutional Usage", and "The 'Safeguards' of the American Constitution" complete the work.

At numerous points, *e.g.*, in connection with "accidental" presidents, Mr. Horwill has succeeded in discovering and presenting significant historical facts not mentioned in American textbooks. The consequences resulting from the self-assertion of Tyler—"a preposterous country lawyer, one of the most bizarre figures that ever appeared on the stage of American politics"—are developed in a masterly manner, particularly those which occurred during the Wilson administration. Is it, however, certain that Wilson would have abandoned his trips to France if it had been necessary to hand over the administration of the government to Marshall during his absence? Nor does it seem likely that the arguments and conclusions presented in the book "will necessarily give a new turn to the discussion of the whole question of the American Constitution." The latter phrase is a "large order," to use a colloquialism, and Mr. Horwill is after all sufficiently orthodox in his comment. One possible exception may be noted in regard to the XVIIIth Amendment which is held to lie "altogether outside the province of a constitution." However we are so thoroughly involved in flaming controversy over prohibition that this contention, which Mr. Root presented unavailingly to the supreme court, will not add measurably to the conflagration.

Mr. Horwill's book is invaluable to higher officials, publicists and students of government. It should serve admirably both as a textbook for advanced courses and as reference reading for elementary courses in colleges and universities. A word of praise is deserved by the publishers for the excellent format and clear large type of the book.

ROBERT C. BROOKS.

Swarthmore College.

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CONFERENCES, COMMITTEES, CONVENTIONS, AND HOW TO RUN THEM. By Edward Eyre Hunt. New York: Harper and Brothers, 1925. Pp. XIV; 218. Illustrations.

No one who has struggled with the problem of running a conference or convention can fail to appreciate the wisdom of emphasizing, as Mr. Hunt has done in this volume, the necessity of careful planning, not only with respect to all the details that are involved in the preparations for such meetings but in the conduct of the conferences themselves.

This very readable volume is filled with detailed practical advice based on wide experience and it should prove helpful alike to the veteran convention secretary and to the novice. The latter facing his first convention will, if he studies the practical suggestions offered, avoid many pitfalls.

The book abounds so in details that mention can only be made of a few points. After stating the problem, it takes up in turn the steps necessary in planning the conference, securing attendance, and paving the way for real accomplishment. Next it discusses the technique of managing the meetings themselves and the duties of the various officers and particularly the secretaries. Problems of publicity, records, and follow up receive their due attention.

Special sections are devoted respectively to trade organization gatherings, conferences of religious and technical bodies and diplomatic conferences. These present problems which require special treatment that even the experienced secretary may be apt to overlook, and which are covered briefly but adequately.

For the novice there are included in the appendices selections from a number of conferences illustrating various forms of conference calls, agenda, work calendars, standing orders, minutes and reports.

Because it is the duty of a reviewer not merely to enumerate and praise, but sincerely to appraise the volume under consideration, the following observations are added:

The title is a trifle misleading, for there is really a dearth of references to committees,—the book in fact deals almost exclusively with large conferences and conventions.

In reading the volume, the non-governmental official is impressed and to some extent oppressed with the amount of space devoted to official conferences of various federal departments and commissions, until he begins to wonder if Washington is the only city where conferences are held and national conferences the only ones worth while. This overdose of bureaucracy is to some extent offset by the sections on trade conventions and technical societies, but the book closes with a note of officialdom in the chapter on diplomatic conferences.

This emphasis in all probability is an echo of the author's own wide experience, but it leaves the reader wishing for a more extensive treatment of unofficial meetings, for those that are given are truly helpful to the mere civilian.

Notwithstanding these faults, and what book is without some, the volume is intensely practical and should find a place in the libraries of those whose duty it is to plan or guide the numerous conferences through which public opinion is so frequently molded. In the conception of the secretary's rôle, in the emphasis on careful planning, and the development of a group consciousness, and in the necessity for ending a conference on a note of agreement and achievement, the author is on firm ground, and it is hoped that his book will prove to many as stimulating as it has to this reviewer.

WAYNE D. HEYDECKER.

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The Report of the Baltimore Board of Zoning Appeals for 1925.—The Second Annual Report of the Board of Zoning Appeals—the first to be printed—is a document of general interest. In many ways the zoning of Baltimore is unique; but its peculiarities only serve to bring out the more clearly the principles of zoning in this country and the zoning methods which are regarded by our courts with favor or hostility. The history of zoning in Baltimore is therefore of interest to those concerned with zoning all over the country. This report gives that history as an introduction to the account of the occurrences of 1925. The report also shows the effects of zoning in its various phases in Baltimore, with a fullness and accuracy of detail seldom to be found in such documents. Both as an account of a local situation of general interest and as an exemplification of causes and effects at work everywhere the report will be of value to the planners and zoners of the United States.

FRANK B. WILLIAMS.

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The 1925 Annual Report of the Tax Supervising and Conservation Commission of Multnomah County, Oregon.—This commission, appointed by the governor, is charged with reviewing annually the budgets and proposed tax levies of Multnomah County and the important governmental bodies within it, including the city of Oregon, School District No. 1, the Port of Oregon, the Dock Commission, water and drainage districts, towns, and minor school districts.

This report records the actions which the commission took in reviewing, adjusting, and reducing the various requested appropriations and tax levies submitted to it by the various governments. Much other financial information is concisely and adequately presented. Notable are the sections dealing with the public debt and the personnel costs of the larger governmental jurisdictions. For the citizen who is supposed to read as he runs, there are diagrams which show how the dollar he so cheerfully tosses into the lap of the tax gatherer is divided among the many that cast lots for it. Charts are presented which depict the trends of taxes, expenses and indebtedness.

The functioning of this Commission represents an interesting example of state control over local finances. The whole scheme would no doubt be decried by the doctrinnaire "home ruler," but it would indicate that some of the "fathers" of this latter-day in the far flung reaches of our empire have not lost faith in the efficacy of "checks and balances." In any event the statements of both requesting officers and reviewing officers reflect dignity and reasonableness.

LEYTON E. CARTER.

Cleveland, Ohio.

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The 1925, Annual Reports of Westerly, Rhode Island.—This document would indicate that in the matter of reporting its financial condition and financial operations, the town of Westerly has determined to turn over a new leaf. An accounting firm was employed "to prepare the annual report to be presented to the financial town meeting.". . . The report thus prepared should satisfy the most skeptical of citizens it would appear—if indeed they peruse the 52 pages of fine type and the two score (more or less) financial statements and schedules.

A capital fund balance sheet is presented with detailed supporting schedules, also balance sheets for the sinking fund and other funds; a revenue receipts and total expense statement with supporting schedules; a condensed statement of income and operating expense and supporting schedules, the operation of appropriation accounts and statements showing various sorts of comparative financial data of Westerly and other cities follow.

In addition to the rather exhaustive financial report are the annual reports of the sinking fund commission, director of public aid, board of water commissioners and board of highway commissioners. Of these the statement of the highway commissioners is perhaps most interesting. In addition to the usual "run-of-mine" statistics some of the problems and events, of the year are portrayed.

A municipal report dealing as it does with a multitude of activities close to the hearts and pocketbooks of people might be made an absorbing document—even to natives. Perhaps some day one will be conceived and executed in this spirit!

Leyton E. Carter.

Cleveland, Ohio.

PUBLIC UTILITIES

EDITED BY JOHN BAUER

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Why Reproduction Cost?—There are usually three general lines of argument presented in support of the reproduction cost of the property as the proper basis of valuation for utility rate-making:

(1) That it is based upon established law,
(2) That it is necessary for just treatment of investors,
(3) That it furnishes the foundation for natural economic developments.

I. IS IT SUPPORTED BY LAW?

The argument that reproduction cost is based upon established law, has little of substance to rest upon. The general rule is that a "fair return" must be allowed on the "fair value" of the property, and the considerations entering into the determination are stated in *Smyth* v. *Ames*[1] as quoted and discussed in the June number of the REVIEW. There is no express reference to reproduction cost as such. The items referred to are: Original cost of construction, the amount expended for permanent improvements, the amount and market values of capital stock and bonds, and the "present as compared with original cost of construction." This statement furnishes the foundation for the law as it stands today. It has been repeated and referred to almost innumerable times, and has been amplified only on such matters as depreciation, good-will, going value, and the effect of past losses and profits. Its only possible reference to reproduction cost is in the "present compared with the original cost of construction." At best, however, this is merely an element presented with others, but this may mean merely the total present cost, including the amount expended in permanent improvements, in addition to the cost of the original construction.

The supreme court has never said that "fair value" is to be determined by the reproduction cost, or that reproduction cost must be treated as a principal or dominant factor. On the contrary, it has said and decided that a company is not entitled to have its return based upon reproduction cost. Thus, in the recent Atlanta Gas case, it declared that "the refusal of the commission and of the lower court to hold that, for rate-making purposes, the physical properties of a utility must be valued at replacement cost, less depreciation, was clearly correct."[2]

In this case the railroad commission of Georgia had valued the properties installed prior to 1914 at actual cost, or at the cost at that date, and those constructed since 1914 at actual cost, and allowed in addition $125,000 for appreciation in land values. The total valuation thus fixed amounted to $5,250,000, compared with $9,500,000 claimed by the company at reproduction cost. The rates based on the commission's valuation were sustained although the reproduction cost was given only slight weight in the total.

Search of all the supreme court cases dealing with rates, fails to reveal a single instance of rates being found confiscatory where a return of 6 per cent or 7 per cent was earned on the actual investment in the properties. While the language of the court in some cases stresses the reproduction cost factor, it is, at best, only a factor, and as in the Atlanta case would be given but slight weight in drawing a sharp distinction between valid and confiscatory rates.

If we consider what the supreme court has said and done, distinguishing *decisions* from *dicta*, there is no ground for the claim that reproduction cost has been established by law. There is reason, however, to believe that the legislatures of the states are free to prescribe such rate methods as will make regulation practicable and conserve the interest of the investors as well as the public.

II. IS IT NECESSARY IN FAIRNESS TO INVESTORS?

The chief positive argument for reproduction cost is the necessity of treating investors in public utility properties fairly. This has come to be urged especially following the sharp increase in prices during and after the War. It is based on the idea that with the present higher price level, there has been a corresponding decrease in the value or purchasing power of the dollar. Consequently, reproduction cost would merely provide the value equivalent of the acutual investment at the time the various parts of the property were installed. A return based on reproduction cost would thus have no greater purchasing power than a return on actual investment if prices had not risen.

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[1] 169 U. S. 466,544.

[2] 262 U. S. 625.

The argument as thus stated sounds fair except for the special considerations which control in the field of public utilities. There is (1) the impossibility of maintaining effective regulation upon the reproduction cost basis, (2) financial instability is greatly promoted, (3) the financial structure of the companies make such a desired adjustment in return impossible, and (4) such adjustments were probably not expected by the investors.

We shall consider at this place only points (3) and (4), and shall treat the first two as direct objections to reproduction cost, and reasons for actual cost. We are now concerned only with the question of fairness to the investors and we may take the last question first, What were the expectations of the investors?

Fair present treatment of investors involves what they reasonably expected when they put their money into utility properties. Did they consider the return simply on the basis of their money capital, or did they have in mind the changing price level and looked for a corresponding adjustment in income? They did know that they would be limited in their earnings, but did they expect any modification because of changes in prices?

The answer, of course, is uncertain. Few people, however, consider the future changes in price level when they lay out capital for any particular purpose. Their calculations are based on the prospective business possibilities in terms of the then prices with little or no regard for probable future changes. If this is true, there is no imperative reason why increases in money return should be made after prices have risen. Certainly there would be objection if decreases were ordered after prices had fallen.

The chief point, however, in the fairness argument is that for the bulk of the actual investors no adjustment can be made in their return, whatever the changes in price level, upward or downward, except in the case of insolvency. The fact is that at least 75 per cent of the actual investment has been made on the average through the issuance of bonds and preferred stock, which bear a fixed rate of interest or dividends on the par value. The returns are thus fixed contractually, and cannot be altered whatever adjustments in valuation may be made because of shifting prices.

Under reproduction cost, therefore, is it not clear that the adjustment to changing price level would be applied to the entire investment, while the adjustment in return would be applied to only 25 per cent of the actual investment? This means that 75 per cent would continue to get a fixed monetary return, while 25 per cent would be subject to a rate of change *four* times as great as the change in price level.

During rising prices the bondholders and preferred stockholders would continue to lose in purchasing power, notwithstanding the adjustment in the valuation, while the stockholders would get *four* times as much as required to offset the higher prices and would thus obtain highly unwarranted profits. Likewise, during falling prices, the bondholders and preferred stockholders would still get their contractual returns, in spite of higher purchasing power, while the common stock would incur a *four* fold reduction and thus suffer serious losses. What, then, is the merit of the fairness argument, when the bulk of the investors cannot possibly participate in the adjustment to changing prices, and when the rest either make inordinate gains or suffer corresponding losses?

III. IS IT REQUIRED FOR PROPER ECONOMIC DEVELOPMENT?

Since reproduction cost merely furnishes a basis of change in the investment to correspond to the changing price level, it is considered the proper basis to prevent an otherwise unnatural economic development, compared with normal conditions if prices had not changed. The chief distortions thus referred to are: (1) the stimulation or retardation of the normal growth of business, and (2) the over or under supply of new capital.

As to the first point, the view is that if rates are not adjusted according to the change in price level, then the charges for service are relatively greater or less, hence the demand for service will be less or greater, than would have been the case if prices had not changed. This means the unbalancing of normal economic relationships. During rising or high prices, rates would be relatively too low and would unduly stimulate the development of business, while during falling or low prices, rates would be too high and would retard the normal growth of business. Rates based upon reproduction cost would merely stabilize the relative charges for service and would prevent any distortion in utility developments through the change in price level.

The argument thus presented would be valid (a) if such an adjustment in return element were the controlling or an important factor in the rates, and (b) if it could be promptly made with changing prices. The whole argument exaggerates the weight of the return element included in the charges for service. Rates, however, provide not only for return to investors, but also for operating expenses and taxes. The latter constitute on the average at least 75 per cent of the total, leaving only 25 per cent for the return element. But operating expenses and taxes change automatically with prices, and are shown definitely in the accounts, so that they alone would determine the bulk of the rate adjustments with changing prices. Moreover, on the actual cost basis, improvements, additions and extensions would be installed as prices changed, so that at any time the total cost of the properties would represent a substantial adjustment to the changing prices. Consequently, the difference of rates charged systematically on the actual cost basis would not be great, compared with reproduction cost, and would not be sufficient to cause any material distortion of otherwise normal economic relationships.

But all this assumes prompt rate adjustments with varying prices, which actually would not take place. On the contrary, every attempted rate variation would serve to arouse a conflict of interest and the actual modification would be long delayed. This would be true during rising as well as falling prices; and on this point there has been plenty of experience. If, therefore, we take into account the inevitable delay in rate adjustments, economic distortions are produced and not prevented on the reproduction cost basis. During rising prices rates would not be increased as needed; consequently financial difficulties would follow, the service would deteriorate, and normal business developments would be retarded. While there might be a growing demand, actually poorer or inadequate service would be provided. This was amply illustrated by experience during and after the War.

The considerations just presented affect also the relative supply of new capital. If on the reproduction cost basis prompt rate adjustments were made, undoubtedly this would merely preserve the same relative demand and supply of new capital as if prices had not changed. There would be no greater relative burden upon consumers at higher rates and greater price level than if prices had not risen. The same charge relatively would be maintained and economic distortions prevented.

But, again, the return factor is so small in the total rate content and there is such a gradual adjustment of total capital cost to changing price level, that at most the distorting influence on the actual cost basis would be slight. If, however, we consider the inevitably delayed rate adjustments under the reproduction cost basis, we see that the distortion of capital supply will be stimulated and not prevented. During rising prices with undue delay in rate increases, the financial pressure upon the companies would keep back desirable capital developments, instead of stimulating undesirable construction as claimed in the argument. During falling prices the delayed adjustment would result in undue profits, which would tend to stimulate new investment, while the otherwise normal demand for service would be retarded because of the continuance of relatively high rates.

At best these economic arguments have little force because of the small return element in the total rates and the gradual adjustment of actual cost to changing prices. But the inherent difficulty of administering the reproduction cost basis induces and stimulates economic distortions. The real force of the argument, therefore, is turned against the reproduction cost basis.[1]

✣

Street Railways or Buses?—A life struggle appears to be taking place between street railways and buses. This can be observed not only in every city, but wherever local transportation is an important economic and social factor. It even extends beyond street railways and takes in partly steam railroad transportation. It affects all comparatively short distance passenger traffic, with the buses struggling to replace existing modes of transportation.

The serious conflict, however, rages between street railways, including interurbans, and buses. The financial difficulties of the former are due, of course, a great deal more to new inroads upon traffic by buses than to inadequate fares and inflexible requirements by the municipalities and commissions. If the companies had been free to raise fares without public hindrance, they might have been equipped considerably worse for the struggle. In many instances, if not usually, they have had their attention centered too much on higher fares than upon the requirements of service, and the opportunity of developing even greater volumes of traffic. Their financial management has contemplated too much the factor of gross revenues per passenger, instead of gross total from *all* possible traffic and net return above operating expenses and taxes. In other words, they have not weighed sufficiently the fact that transportation, probably above every other utility, operates under the principles of "diminishing costs" and "increasing returns"; that in the last analysis financial success and continued economic life depends upon large and growing traffic, whatever the rates of fare may be. This over-zeal for higher rates, has doubtless been one of the important factors which has handicapped street railways in the competition with buses.

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[1] The arguments against reproduction cost, and for actual cost, will be outlined in the next number of the Review.

COMPETITION OR CO-OPERATION ?

Like most wars, the present struggle came on quite unexpectedly, especially so far as the street railways are concerned. Indeed their extreme interest in higher fares during and immediately after the war made them neglectful of too much else,—improvements in facilities and service, and especially danger of competition with automobiles and buses. The latter became well entrenched for conflict, before the street railway managements ceased scoffing at the "hair brained" enthusiasts for buses. Their present handicaps are probably due largely to their contempt of the upstart rival. This is indeed common history of warfare.

But the conflict is on, and the question arises, What shall be done? Shall it go to the finish, or shall it be composed through an equitable settlement? Shall it be competition or attempted co-operation between the two modes of transportation?

Naturally, there are sharp differences of opinion as to the proper answer to this question, —honest and intelligent differences. We hardly believe that the time is ripe for co-operative settlement. We feel that no one yet knows what is the proper economic place of street railways and buses. Possibly street railways are completely obsolete and the fight may give the buses full control of local transportation. But that is too big a conclusion to reach on the basis of present established facts.

We are rather of the opinion that competition for considerable time will be desirable. It may bring out street railway developments that were undreamed of when these industries were without challenge. Competition is a tremendous stimulator of activity, and it may be especially efficacious when a long honored industry is facing possible destruction.

We doubt the wisdom at this point of a general co-operative program, whatever may prove desirable in any particular situation. In the last analysis, of course, what should be done is a local question and must be determined according to the special circumstances. General factors, however, must also be given due weight. As to such general factors, we believe that too great eagerness for co-operation is likely to result in stifling improvements—both in street railways and buses. Moreover, there is particularly the financial danger of bringing the bus operation under the same financial structure with existing street railways. The probable evil of such comingling of finances, would be to burden the buses with any over-capitalization and excessive fixed charges resting upon present street railway properties. The buses, in any event, should not be strangled either through co-operative restriction upon further development or by imposing upon them financial burdens with which they have no economic connection.

Whatever our impressions may be, we frankly concede that they are only impressions and not scientifically established facts or principles. We do believe that intelligent discussion is desirable, and that every material and competent point of view should be considered, especially if it is plainly not prejudiced and seeks sincerely for the most desirable results.

With the above observations and questions before us, we are pleased to present the views expressed in the following article by Mr. Howard M. Wilson, Manager of the Civic Affairs Department of the Cincinnati Chamber of Commerce. Mr. Wilson raises interesting questions and makes very pertinent suggestions. But, there is room for doubt whether the time has come when the two modes of transportation can be economically adjusted. Competition is wasteful, but through what other course can the proper economic place of each service be determined, without insuperable conflict between excessive enthusiasm of the young and the deep bias of the old, and without putting a handicap upon further progress?

RAILS *vs.* RUBBER

By Howard M. Wilson

Manager, Civic Affairs Department,
Cincinnati Chamber of Commerce

What is the future of the bus? What effect will it have on the street cars and the railroads? How does it affect traffic? These and hundreds of other questions are asked of any one who has interested himself in this fascinating industry. Who has the correct answer?

The history of transportation has been an interesting series of evolutions, from the primitive trail to the motor bus—and next the airplane. Each step brought its problems. Some were solved quicker than others. When will the present situation be cleared up? When the motor enthusiast is shown that a sanely planned system of coördination will save him from the mistake of trying to render a service for which he is not entirely equipped.

The bus is here to stay. I do not mean to contradict that: it has an important part to play in the expanding scheme of American transportation. Service will be the factor by which it will ultimately be decided as to which form of transportation is to predominate. I believe both will live, but I do not believe that the growing popularity of the motor bus justifies the prediction that it will displace the trolley.

No medium has yet been developed which alone can take the place of the electrical railway in moving large numbers of persons in the rush hours in cities. I might have to back up on this statement subsequently, but I cannot conceive of developments that will decrease the turning radii of buses now constructed by engineering genius.

Assuming that this is correct, I would then say that to permit competition between any form of public transportation is an economic waste. Investors should be safeguarded and the public given service. Electric and steam railway operators should grasp the opportunity to furnish a coördinated trolley, railroad and bus service, if they do not others will furnish the bus service. That is just where the folly has been. Government officials, from little villages to federal, have not seen the possibilities of this "new infant" any more than the most of our public utilities. That is where I believe the greatest problem lies.

A solution, whereby justice will be administered to all—transportation should be sold by transportation men. A large percentage of the men or groups of men now engaged in the motor bus business, are of the very best type, but they do not know "transportation." So I say repeatedly the greatest problem is to get this business into the hands of transportation experts in a just and fair way or the bus men, themselves, should take every opportunity to "learn transportation."

Street railway companies should not carry out extensive programs of construction, but they should improve existing facilities and coördinate the operation of street cars and buses. The most important future development of transportation facilities lies in the coördinated operation of surface cars, taxi-cabs, buses and the rapid transit.

MUST BE OPERATED BY SAME ORGANIZATION

I have given some conclusions before arguments and possibly have not answered clearly the questions heading this article. But what is the future of the bus? It is here to stay, but if it is to succeed in the present hands, it must be backed up by specialized organization, skilled in selling transportation. The bus has assumed the rôle of a public utility, and the future will see consolidation of the present lines of independent operators into larger units or gradual passing of the smaller independent operator, who will be absorbed by the present large electric and steam railroad companies.

The greatest benefit of the bus will unquestionably come when it is operated by the same organization as the railway, so that it can be made to extend and amplify the service of the rail lines without the competitive results, if operated separately, which injures the prospects of both systems.

There is no question, in answer to the second question, that the bus is "cutting in" on the business of traction lines (urban and interurban) and the steam railroads, and I believe it will injure the steam and interurban lines to considerable extent, and while they will cut in on the urban lines and possibly make some routes unprofitable, it will not destroy (in their entirety) municipal systems of any size. At least it will not do so unless there is some unimagined development that will quite materially change its present characteristic.

As to traffic, one of the buses greatest assets, is its flexibility. It can move in and around traffic, it can change its route at will in case of fire or accident. However, in considering the flexibility of the bus, it must be remembered, that street cars in handling large masses of people in the congested areas of large cities, move in fixed, definite lines of travel and that the buses on the contrary move in irregular and more uncertain lines of travel. In the regulation of street traffic this apparent flexibility of the bus may become a disadvantage. In other words, you know where the street car goes, but no one can tell where the bus may go.

Still, planning experts, traffic experts, and the like, are giving serious consideration to the possibilities of future bus development when presenting new plans. The city plan of Cincinnati, the first to be adopted by any large city, includes this consideration.

Let us call in the electric lines, the railroads, the motor bus operators, the road and traffic experts, the city planners, all sellers of transportation, and the public . . . let us meet together and decide upon a policy whereby duplication of service would be avoided and that service would be rendered where necessary.

This article is not to be construed as an attempt to give comfort to existing street railways. They must have the vision and the initiative to undertake this new mode of operation or they will lose business.

Better transportation will be had through unification. It is a common monopoly and should be with strict regulation. Better transportation means better cities, better villages, better communities.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE

Professor of Law, Georgetown University

The Extension of Municipal Functions.—The question of the power of cities to engage in activities not sanctioned by precedent involves not only an application of the principles underlying the delegation of authority to them, but often also the definition of that public purpose beyond which the governmental powers of the state may not go. It is elementary that all powers of municipalities are delegated and that the legislature cannot delegate any power it cannot itself exercise. But beyond these considerations, the courts are confronted with the further question whether under the grant of a general power to act the specific power is to be implied, and this turns usually upon the further consideration whether the purpose is primarily for the benefit, use or convenience of the inhabitants of the city as distinguished from the public at large. The courts in deciding cases involving the extent of municipal powers thus have frequently before them the difficult task of applying the fundamental principles of constitutional limitations and of statutory construction and of reconciling them to the ever changing social and economic demands of modern urban life. The complexity of the issues involved in adjudicating such cases may be illustrated by a brief review of two recent decisions handed down by the courts of Missouri and Arizona.

The extension of the sphere of municipal functions to include the furnishing of those necessities of life which are charged with a public interest was upheld by the supreme court of Arizona in the case of the City of Tombstone v. Macie (245 Pac. 677), decided April 24, 1926. The question involved was the power of the city to establish and operate a combined electric light, power and ice plant for the benefit of its inhabitants. An injunction was sought against the issuance of bonds to erect such a plant on the ground that the furnishing of ice was not a public purpose which would justify the exercise of the power of taxation.

In sustaining the power of the city to engage in the business of furnishing ice, the court holds that the state may delegate to municipalities such powers to the extent that it may exercise them directly. It bases its finding of a public purpose upon the necessities created by the local climatic conditions, just as the supreme court of Maine found in the peculiar climatic conditions of that state a justification of the delegation of the power to establish public fuel yards to its municipalities.[1] While the power to establish municipal ice plants has been denied in Missouri and Louisiana[2] it has been upheld in Georgia,[3] and in fact no less than sixteen such municipally operated plants are listed in the Municipal Index of 1926.

The lack of a proper delegation of authority by the legislature was urged against the validity of the ordinance, but the court held that the limitations imposed by various statutes were nugatory in view of Chapter 31 of the state constitution, which provides that: "Every municipal corporation within the state shall have the right to engage in any industrial pursuit . . . and for any and all such purposes in order to carry out the same, such municipal corporation shall have power to issue and sell bonds."[4]

While the question of the delegation of power by the state is always present in cases of this kind, an express grant of authority is still subject to the limitation that taxation must be for a public purpose, under which rule the state is precluded from engaging in ordinary commercial enterprises. If the purpose of the governmental undertaking is simply to enable the citizens to be supplied with what is necessary to the enjoyment of health and life, which could otherwise be obtained either not at all or only with great difficulty, the express grant of the power to a municipal corporation is generally held to be a declaration by the state legislature that the enterprise is for a public purpose and conclusive upon the courts.[5] While the underlying conditions may vary greatly in different states, yet, even where the facts are quite similar, the courts sometimes differ widely in their application of this principle of our public law. Thus the Georgia courts have sustained the power of a municipality to engage in the ice business as implied from the general welfare clause of its charter, while the courts of Missouri have denied that it may be exercised even under an express legislative grant of authority on the ground that the enterprise is not charged with a public purpose.

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[1] Jones v. City of Portland, 113 Me. 123; *Aff.* 245 U. S. 217; *Contra*, Re Municipal Fuel Plants, 155 Mass. 601.

[2] State v. Orear, 277 Mo. 303; Union Ice Company v. Ruston, 135 La. 898.

[3] Holton v. City of Camilla, 134 Ga. 560; Saunders v. Town of Arlington, 147 Ga. 581.

[4] It may be noted in passing that a similar question arose in relation to a municipal plant for the sale of gasoline and oil before the U. S. district court for Nebraska last year. In holding that the erection and operation of such a plant was for a public purpose, the federal court decided that the city of Lincoln under its home-rule charter had full power to determine the expediency of such an enterprise, without any express delegation of authority from the state legislature (Mutual Oil Co. v. Zehrung, 11 Fed. (2d) 887).

A further illustration of the tendency of the courts of Missouri to limit the field of municipal functions is found in the case of Kennedy v. City of Nevada, recently decided by the Kansas City court of appeals (281 S. W. 56). In denying liability of the city for a nuisance caused by the discharge of sewerage upon the plaintiff's property from a tourist's camp established by the city, the court holds that the statutory authority of cities of the third class to acquire property is limited to municipal purposes, that the maintenance of a camp for the accommodation of tourists is not a municipal purpose, and consequently the purchase of the lands so used was ultra vires and void and the city not liable for the damages thus caused. This decision may be sustained if at all upon the ground that the purchase of land for this special purpose could not be implied from nor be incidental to the general power to "purchase, hold, lease, sell, or otherwise dispose of any property, real or personal," which the court correctly holds is limited by the constitutional provision that cities have power to levy and expend money raised by taxation for corporate or municipal purposes only. The city in this case, it may be observed, was not engaging in a commercial enterprise but was supplying a service to travelers on the highways, which upon slight reflection will be found to have a very direct bearing not only upon those to whom the immediate convenience is afforded, but also upon the health and safety of the community in which they spend the night. The court in thus limiting its definition of a municipal purpose does not deny that the legislature may invest a municipality with power to establish a tourist camp, the declaration of general policy thereby determining the purpose to be corporate and municipal in character.

No state has gone further than Missouri in holding municipalities to strict liability for damages caused by nuisances created by them,[6] but it is clear that no liability will attach where the act out of which the nuisance grows is admittedly beyond the corporate powers. If the city is to be held immune in the instant case it must be upon the ground adopted by the court that in the absence of express delegation of this especial authority, the establishment of a tourist camp cannot be regarded as coming within the domain of municipal purpose. But the function the city attempted to exercise in this case was so peculiarily of local interest that the court in its opinion felt constrained further to fortify its conclusion by taking the broader position that the purpose was not one for which thc power of taxation could be exercised. The inconsistency of this position is manifest when we realize that the same constitutional restrictions which the court invokes would likewise be applicable to an enabling statute.

The question, therefore, turns back again to the definition of a municipal purpose. In recent years it has been held that a city may engage in many activities under a grant of power for general welfare which formerly could not have been justified as municipal in character. The maintenance of facilities for bathing, boating, playing golf, etc., are now generally regarded as municipal functions incidental to the establishment of public parks.[7] The erection of tourist camps by so many cities and villages throughout the country and the resulting protection and benefit to the residents of the locality might well have been judicially noticed by the court in determining the question at issue. The failure of the court to take into consideration the changes brought about by the general use of the automobile in transportation may be contrasted with the advance position taken by the New York court of appeals in the case of Schiefflin v. Hylan,[8] in which the court frankly recognizes the necessity of taking judicial notice of modern conditions in determining the public character of municipal activities.

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[5] Jones v. City of Portland, 245 U. S. 217.

[6] Davoren v. Kansas City (1925), 273 S. W. 401.

[7] Booth v. Minneapolis (1925), 203 N. W. 625.

[8] 238 N. Y. 254.

SHORT COMMENTS ON CURRENT CASES

Special Assessments—Limited to Benefits.—The supreme court of Illinois in Village of Milan v. Looby, decided April 23, 1926 (151 N. E. 501), reiterates the rule that the extent of special assessments for a public improvement must be limited to the benefits accruing therefrom to the property taxed. In this case the court on appeal reversed a confirmation of a special assessment upon the ground that it did not plainly appear that the lands taxed would be benefited to the full amount of the assessment. A similar question arose in Engstrom v. Wichita, decided May 8 by the supreme court of Kansas. In this case the court enjoined an assessment against the petitioners remaining property of the full value of a certain part of his lands taken for a street improvement, on the ground that it was *prima facie* confiscatory. While the facts in this latter case closely resemble those on Norwood v. Baker (172 U. S. 69), the decision falls within the principles of French v. Barbee Asphalt Co. (181 U. S. 324) and other later federal cases which modified the rule laid down on Norwood v. Baker. Milan v. Looby, however, would seem to follow Norwood v. Baker in holding that the question of benefits is a question of fact and always open to judicial review. It may be noted that the courts of Indiana also refuse to accept the legislative declaration of benefits as final and reject the present federal rule which would permit a judicial review of the relation of the tax to benefits only in case of apparent confiscation (Harmon v. Bolley, 187 Ind. 511; 120 U. S. 33).

✤

Local Taxation of Federal Agencies.—In United States v. City of New Brunswick (11 Fed. (2d) 477), the circuit court of appeals of the third circuit, set aside an assessment of taxes by the city upon certain property which the United States Housing Corporation had sold to private individuals upon a contract, whereby title was not to pass till the last of the deferred payments on the purchase price were made. The statute under which the sale was made expressly provided that the unpaid balance should constitute a first lien, which could not obtain if the locality might impose a valid tax. The decision is based upon the elementary principle of the immunity of federal property from state or local taxation, but illustrates the unfortunate situation that may arise, when the federal government delivers possession of property to individuals under long time contracts, whereby the purchasers may enjoy all the benefits of local protection without being subject to taxation by the municipality.

✤

Federal Taxation of Local Agencies.—The United States court of claims the last of May handed down a decision in the case of Wichita Falls (Tex.) v. The United States (not yet reported) in which it was held that the city could not recover back from the federal government, the amount of transportation tax paid on sewer pipe purchased by it to be installed in its local system. Under the Revenue Act of 1918, three per cent of the total transportation charges from San Antonio to Wichita Falls, amounting to nearly $1500, were exacted from the railroad company, which under its contract the builder in turn collected from the city. In denying the right of the city to relief, the court says: "The true distinction is between the attempted taxation of those operations of the state essential to the execution of its governmental functions and which the state can only do itself, and those activities which are of a private character. The former, the United States, may not interfere with by taxing the agencies of the state in carrying out its purposes; the latter, though regulated by the state and exercising delegated authority, such as the right of eminent domain, are not removed from the field of legitimate federal taxation: Vilas v. City of Manila, 220 U. S. 345; Metcalf v. Mitchell, 229 Fed. and 12."

✤

Allocation of Assets and Liabilities upon Division or Annexation.—The power of the legislature, except so far as limited by the state constitution, to allocate the funds and debts of municipal corporations upon their division or annexation is universally upheld, and this power may be exercised either at the time of the readjustment of boundaries or by the subsequent legislation. In State, ex. vel. v. Board of Education of Sharples Village School District (151 N. E. 669), the supreme court of Ohio upholds a provision of the General Code (sec. 4696) which confers upon the county board of education the duty of determining the equitable distribution of funds on hand and of debts outstanding in event of a readjustment of the boundaries of school districts. The county board having duly acted by resolution, the officers of the one district may be required by mandamus to turn over the proportion of funds adjudged to belong equitably to the other.

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Commission Form of Government: Power of Commissioners to Abolish Administrative Offices.—The court of errors and appeals of New Jersey in its decision on May 17, 1926, in the case of Schmeidler v. Jersey City, affirmed the power of the commissioners of Atlantic City under the Walsh Act and the amendments thereto not only to create subordinate boards and appoint officers thereto, but also to abolish such boards and any other administrative offices as may have been established prior to that act. This sweeping power the court implies from the provision of the Walsh Act which clothed the board of commissioners with all administrative, judicial and legislative powers and duties theretofore vested in the mayor, city council and other executive or legislative bodies, and with "complete control over the affairs of the city adopting the provisions of this Act." The office abolished by ordinance in the instant case was that of mercantile appraiser. Although such power seems essential to the carrying out of the provisions of the Walsh Act, Justices Parker and Katzenbach registered their dissent.

⁂

Classification: Attempt to Exempt a Single City from Public Service Commission's Control.—In Littleton v. Hagerstown (132 Atl. 773), the supreme court of Maryland reaffirms the force of that clause of its constitution that the "General Assembly shall pass no special law in any case, for which provision had been made by an existing general law." The public service commission having refused to grant a permit to extend its municipal lighting plant, the city obtained from the legislature an act to exclude it from the operation of the public service act and to authorize expressly the expenditure in question. The court held that there were no such peculiar conditions present as would justify the legislature in exempting the city of Hagerstown from the control of the public service commission, even by a statute general in form. The opinion contains a very thorough discussion of the bases of classification that will meet the requirements of this and similar constitutional restrictions upon special legislation.

⁂

Zoning—Recent Decisions in North Dakota and Georgia.—Two states recently to pass upon the constitutionality of zoning are North Dakota and Georgia, the former sustaining and the latter declaring invalid the statute and local ordinance involved. In city of Bismarck v. Hughes (20 and N. W. 711), the defendant, having been refused a permit to build a four-family house upon a vacant lot in a residence district where the ordinance required a set-back of 22 feet, side yards of 10 feet, and a limitation to two families, began the construction of the building, which did not conform to any of these regulations. In upholding an injunction issued upon the petition of the city, Justice Burke, after showing that the precise power in question has been generally sustained when expressly delegated to a city, calls attention to the fact that the ordinance was comprehensive in nature and was based on the Standard Enabling Act, drafted under the direction of the secretary of commerce and already adopted in some twenty states. The court grounds its decision in the last analysis upon "the health and general welfare of the city and its people."

It is to be noted that only limitations as to area, size and height were involved in the North Dakota case, while in Smith v. Atlanta (132 S. E. 66), the question of the constitutionality of the special statute amending the charter of the city to give it power to zone, and of the comprehensive ordinance passed pursuant thereto turned solely upon the right to restrict the use of lands and buildings in a given district to residence properties. No allegation was made by the defendant that the petitioner had not met or was not willing to meet all requirements as to size, height, or area, but that a permit had been refused solely because the building he desired to erect in a residence district was designed for the use of stores. While the Georgia supreme court in this case distinctly limits its finding that the statute and ordinance are invalid to their prohibition of stores in districts limited to residences, it refuses to be bound by the legislative declaration of the purposes of the act and lines itself squarely with the courts of Texas and New Jersey in its adherence to the traditional strict limitation of the police power to the control of those agencies which may cause a direct and material damage to persons or property. Carrying the argument of the court to its logical conclusion, it would hold invalid any zoning ordinance based solely upon the maintenance of general property values or upon the protection of the health and welfare of the citizens of the community at large.

Although these decisions may be reconciled upon their diverse facts, the opinions show a wide difference in the definition the respective courts place upon the police power. We shall have to await a further elucidation of the extent of the police power of the states from the supreme court of the United States. The opinion of that court in Ambler Realty Co. v. Euclid, to be reargued in October, should give us a comprehensive exposition of the application of the police power to the changing conditions of our civic life.

GOVERNMENTAL RESEARCH CONFERENCE NOTES

EDITED BY ARCH MANDEL

Minneapolis Bureau of Municipal Research.—The Bureau has completed its additional work on a survey of the water department budget and submitted its findings to the city council. Briefly, the work done was to re-state the expenditures of the water department in terms of the budget classifications used by the other departments. Under a ruling of the city attorney, this department has never had to submit a budget. The change in the complexion of the council a year ago led to the agreement that it would submit a budget. It is hoped that this custom will last.

At the last meeting of the League of Minnesota Municipalities held on June 22–24, a committee of the League, on which the Bureau was represented, presented a program of financial legislation for municipalities. A bill revising the laws relating to bonded indebtedness was discussed by that committee and the convention. The Bureau presented as its part a proposal relating to budget making for cities and villages. The League adopted the committee's report and the matter will be before the legislative committee of that organization for further discussion before the legislature meets this coming winter. The general principles laid down by New Jersey were followed in so far as it seemed possible to do so in Minnesota at the present time.

An investigation of the cost accounting of the board of education is now under way. This matter arose from a complaint by plumbing contractors that the school board's shop was underbidding the normal cost of doing a particular piece of work. The bureau's accountant will follow the bid through from the estimate to the completion of the work. As often as necessary, he will keep the accounts for this particular piece of work at the school board offices. In this way, it should be possible to know exactly the facts in the case without having to determine it from a historical record after the job has been completed. The full coöperation of the school board offices is given.

The council-manager charter with proportional representation as a method of election was defeated by a vote of 56,681 to 27,341 on June 21, 1926. Various reasons are assigned for the defeat, largely according to the viewpoint of the individual. Some or all of the following factors were involved:

1. The time of the campaign was entirely too short to carry the force of the argument in favor of it into every part of the city. This was evidenced by the fact that even in friendly territory the charter received less than the required vote of four-sevenths of those voting on the question.
2. With a few exceptions, the friends of the charter were not enthusiastic. Most of the work was done by a group of women. Business men helped to finance the cost of the campaign, but did little in the way of active speaking and campaigning.
3. A campaign of misrepresentation about city manager government elsewhere helped. This is particularly true of an alleged investigation conducted in Cleveland by a labor representative who spent two or three days interviewing a half dozen people. Even in these cases the argument might have been made about as strong for the charter as against it, based upon what the persons stated to the interviewer.
4. The charter commission was almost equally divided for and against the proposed charter. Three of the members in particular worked against it.
5. Proportional representation, usually accepted by the liberals and labor, was particularly criticised by that group, at least by its leaders. There were not enough workers to combat that part of the anti-campaign.
6. The city hall crowd was so strongly entrenched as to be able to carry its campaign quietly through its day labor group that reaches into each ward and precinct.
7. The group who believe that redistricting of the wards is equivalent to all the change in government that is needed helped to reduce the number who voted for the charter. There were more than 10,000 who voted for state or county officers but who failed to vote on the charter, indicating a lack of education and indifference.

There is already some undercurrent of talk that the official Charter Commission will propose two amendments at the November election. The two are,—the redistricting of the wards, cutting down the representation in council to one from each of twelve and probably thirteen wards; and, second, the consolidation of the street maintenance organization under the city engineer. It now consists of thirteen individual ward organizations, each having a separate tax levy with separate tool houses and separate sets of equipment. Its strength lies in the fact that this is the last resort and stronghold of political patronage. If these amendments are put up at the November election, it will require 60 per cent of all the votes cast at the election to adopt it.

◆

The Ohio Institute.—The Ohio Institute has just issued a short pamphlet entitled "Supervision of Mentally Deficient Children of Compulsory School Age." This is the third of a series relating to special educational provision for mentally deficient children.

The Joint Legislative Committee on Prisons and Reformatories in Ohio has in press a report presenting a number of constructive recommendations. Copies may be obtained from the Joint Legislative Committee on Prisons, in care of J. E. Cross, Clerk of the Ohio Senate, Columbus, Ohio.

Raymond C. Atkinson, of the Department of Government at Columbia University, joined the staff of the Ohio Institute in July.

◆

New York National Institute of Public Administration.—At the request of Governor Byrd, the Institute has undertaken a survey of state and county government in Virginia. All of the Institute staff will be engaged in this study, which will require several months.

William Watson is making an administrative survey of the accounting system of Upper Darby Township, Pennsylvania.

The Handbook of Public Finance by members of the Institute staff is now in the hands of the printer.

◆

Rochester Bureau of Municipal Research.—Harry H. Freeman, former city manager of Kalamazoo, Michigan, and long connected with bureau work, is now a member of the staff of the Rochester Bureau of Municipal Research. Mr. Freeman joined the staff of the Rochester Bureau on June 1.

W. Earl Weller has left his position as chief engineer with the Rochester Bureau to engage in private civil engineering and consulting work, as a member of the firm of Hevenor and Weller. All indications point to great success for this new venture.

The Rochester Bureau will spend a great part of its time for the next year and a half in preparing a municipal code for adoption by the city after the city manager charter becomes effective on January 1, 1928.

◆

Toronto Bureau of Municipal Research.—The Bureau published an "Imaginary Letter from a Hypothetical Correspondent Representing a Real Viewpoint and Illustrated by Some Official Figures." This repeated, to a large extent, the stand of the Bureau in 1924, when it suggested that an investigation be made of the affairs of the Toronto Harbor Commission. A Royal Commission to inquire into harbor matters has now been requested by the city council.

The Bureau has made its annual analysis of the Toronto city budget and has published the summary in bulletin form. This shows amount spent on community services such as education, protection of persons and property, etc., and also amount spent on salaries, wages, etc. A comparison is also given with the previous year. This enables the citizens to see at a glance just how money is being spent.

◆

Citizens' Research Institute of Canada.—The fourth of the annual series, "Cost of Government in Canada, 'Summary' Combined Per Capita Costs of National, Provincial and Municipal Governments for 17 Canadian Cities," has been issued.

For the information of the delegates to the Interprovincial Conference held at Ottawa on June 7 and 8, the Institute issued a report giving a résumé of the recommendations of the Tax Conventions of the Institute, dealing with such subjects as:

Coördination of Effort
Standardization of Method
Succession Duties
Delimitation of the Field of Taxation

The Institute published a report dealing with the work of the Dominion of Canada Civil Service Commission, "Is there any Connection Between the Problems of Taxation and Those of Civil Service Control?"

The Institute is preparing for the Fourth Annual Convention of its Tax Conference, which is this year being held in Winnipeg on September

28 and 29. Papers are being prepared by men well versed in their subjects, on such topics as "Tax Free Bonds," "Immigration," "Rural Credits," "Taxation of Publicly Owned Public Utilities," "Can Governmental Expenditures be Reduced?" and other subjects, all of vital interest to the taxpayers of the Dominion.

The first installment of "Red Book," giving financial statistics of Canadian municipalities, population over 10,000, has been compiled and will be issued the latter part of June.

✤

St. Louis Bureau of Municipal Research.—The present city administration assumed office in April, 1925, with the stated intention of practising economy and adopting more economical and efficient methods of conducting city operations. The Bureau immediately offered its coöperation, and upon its acceptance by the mayor, announced that it would suspend publication of reports on departmental operations until the administration should have had sufficient opportunity to adopt desirable changes. Studies were continued, some new ones were begun, and a number of suggestions were submitted to the heads of departments.

Early in 1926 some of the department heads refused to permit the Bureau to have access to their operating records. At a meeting of the governing committee, following those refusals, the mayor stated that he desired to coöperate in the Bureau's suggestions and that he would give orders to permit the Bureau full and free access to all city records. A number of the problems confronting the administration were outlined by the mayor, with the request that the Bureau undertake studies of as many of the suggested problems as practicable. In accordance with the original policy of co-operation with city officials, the Governing Committee assured the mayor that when the reports now being prepared are completed, they will be submitted to the administration and that the public officials will be given opportunity to change conditions, if that be found desirable, before any public statements are made about the departments. Several of the suggested studies are now under way and some of the reports will soon be ready for submission.

The city has levied last year and this year, for municipal purposes, the maximum tax rate permissible under the state constitution. As is true of most cities, there is an almost constant demand upon the city government for more municipal service. The improvements being provided from the funds of the large bond issue are also requiring additional funds from general revenues for their operation and maintenance. Although the present administration reduced its inherited deficit from $528,217 to $24,719, during the past year, it faces the possibility of an annual increase in the deficit unless it can carry out a program of strict economy.

✤

Des Moines Bureau of Municipal Research.—The Des Moines Bureau of Municipal Research recently has been assigned by its directors the work of preparing a schedule of possible economies for the Des Moines city government, to be completed prior to the levying of the 1927 tax rate.

✤

Civic Department, Kansas City Chamber of Commerce.—Kansas City, Missouri, is falling in line with those other municipalities that have adopted permanent registration of voters. Ray Wilson of the civic department of the Chamber of Commerce and the Public Service Institute have joined in the study, and to procure full and complete facts before any action is taken, Dr. Joseph P. Harris, assistant professor of political science at the University of Wisconsin, was employed to make a study of and report on the subject.

✤

New Bedford, Massachusetts, Taxpayers' Association.—The New Bedford Taxpayers' Association, Hart Cummin, director, has issued its first bulletin, which is devoted to a summary of the city budget.

✤

Dayton Research Association.—Arch Mandel resigned as director of the Dayton Research Association to assume the direction of the Dayton Community Chest. The change in positions was made August 1.

MUNICIPAL ACTIVITIES ABROAD

EDITED BY W. E. MOSHER

Local Government Yearbook.—The Deutscher Kommunal Kalender for 1926 follows in the main the lines already adopted in former issues of this important year-book. It offers a list of the Leagues of Municipalities, giving in each case the names of the officials in charge as well as necessary addresses. In the same division is a list of the various organizations of public officials including technical groups. These are classified under twenty-two headings such as: Engineering, Police, Statistics and the like.

A third division of the work consists of a series of special articles on all of the various branches of local government, including special groups of articles on problems of current interest. The articles are prepared by men who write with authority and who are, for the most part, in positions of command. About 210 pages of a total of 447 are assigned to these reports and treatises.

After several articles of a more general character on such subjects as local finance, debt retirement, welfare and city planning, about 100 pages are devoted to each of the main topics: (1) technical and economic tasks of publicly owned industries and (2) local governmental conditions at the present time.

Under the former is found a series of contributions emphasizing the more technical aspects of the following public enterprises: housing and city planning, construction and maintenance of streets, power, light and heating plants, traffic (subways, street-cars, buses, air service, and a heterogeneous series that have not the remotest relation to traffic). For instance, one writer considers the obligation of the city to provide moisture, in generous quantities and by automatic means, for its own gardens and green spaces but also at reasonable rates for privately owned gardens; another, the desirability of utilizing human excrements for fertilizing purposes; another reports on an experiment in insect extermination by the use of aeroplanes; and finally, a fourth discusses the most effective methods of sending out fire-alarms, both for volunteer and paid fire companies.

The second main series, which is entitled "Communal Chronicle," is divided into a number of sections among which the more significant are the following: Administration, finance, public industries and traffic, buildings, and housing, welfare and culture, employment, including placement, vocational advice, unemployment insurance and support, education and police.

The German Kommunal-Kalendar for 1926 marks an improvement upon its predecessors. It is comprehensive, it is timely and it is authoritative. For those who wish to keep in touch with the changes that have taken place in the whole area of German local government and whose time does not make it possible to read the periodical literature, this annual work will form a treasure-trove.

A limited number of topics discussed in this years volume are here digested for American readers.

Government of Municipalities and Communes.—One of the best articles in the Year Book has to do with the local government in operation in the important countries of Germany, emphasizing particularly what may be called predominant tendencies. In more places than one such a review results in the conclusion that there should be a common law applicable to the different communities throughout the empire, but at the same time one that would give the fullest possible amount of home rule to the local units. The writer expresses himself very vigorously on this subject as is brought out in the following sentence: "At no time has there been more talk about home rule and at no time has there been less of it practiced; at no time has the commune been more vigorously 'pummelled' than at present."

A further general observation is as to the amount of distrust shown toward the cities. In the different parliaments the impression seems to have become fixed that the desire of cities for the freest possible use of local power with reference to local affairs runs counter to the authority of parliament. The author considers this to be a kind of children's disease that he hopes will pass when parliamentary government has reached the age of maturity.

In view of the variety of usages in the various countries of the empire, a movement was launched in 1921 that aims at a common communal law applicable to all cities of the empire. This was prepared under the auspices of the German League of Municipalities. After a long period of study and discussion it has finally been presented to the proper authorities in Berlin. The bill restricts itself to cities and includes provisions along the following lines: (1) that the cities be responsible for all local administration in the absence of restrictive special laws. This extends to the moral, physical, economic and intellectual interests of the people in so far as they are subject to public agencies; (2) the establishment of a single municipal chamber; (3) insistance upon a budget with the requirement that loans shall be made exclusively for productive enterprises; (4) municipal industries to be carried on according to approved commercial standards; (5) the central government to exercise control over the cities only through the provincial organs, that is, not through imperial organs. In this it is proposed that the central authority shall restrict itself to the examination of new legislation to see that it does not run counter to general law and to a supervision of the cities to assure that they are fulfilling their obligations as determined by law. Confirmation of appointive or elective officials shall no longer be necessary; (6) annexations to take place, (a) on the expressed wish of the parties concerned, (b) through a compulsory legislative act of the central government.

Administrative Reform.—In spite of a considerable number of efforts made to bring about reforms in administration, little progress has been made. The author of the article on this subject takes the position that a science of administration is looked upon too much as a task for jurists, whereas he urges that there is such a thing as general technique and principles of administration which, taken all together, may very well be looked upon as an art. It seems to him noteworthy that during the recent period comparatively little systematic attention has been devoted by competent writers to this art. Among the few books mentioned, one entitled "Taylorism in Administration," meets with the approval of the author, who is of the opinion that the widespread discussion that followed at the time of publication seems well merited. Considerable attention has been devoted, however, to the reform of the *bureau* as a unit of administration. The question is raised as to the proper methods of instituting improvements in bureau organization and control. The desirability of educating officials so that changes may be brought about with the full co-operation of the officials concerned is pointed out.

Centralized Purchasing.—This article deals with the type of centralized purchasing that is unheard of in the United States, namely, a central purchasing bureau maintained by, and in the interest of, a number of communities. Even before the war such centralization had taken place with regard to the purchasing of writing materials, clothing for officials and coal. Since the war there has been a considerable amount of progress along this line. Almost all of the large cities and many of those with less than 100,000 inhabitants are considering this step.

It is reported that for fifteen years most of the public utilities maintained by the cities have had such centralized purchasing organizations. The advantages are obvious and have often been recited. One, however, which is uncommon, is that by the purchasing of staple commodities in large quantities and well in advance of the time of actual use it is possible to regularize the market, thus reducing the cost to the consumers. The purchase of paving stones is a case in point.

The author concludes by recommending to those smaller communities whose requirements are so insignificant that it would hardly pay them to organize an independent central purchasing department to become incorporated with similar communities for the purpose of gaining the advantages that come with centralized purchasing.

Taxation.—The section devoted to the discussion of taxation aims to give a bird's-eye view of the different types of taxes and the distribution of the proceeds between the central government and the local communities.

The taxes are discussed under four headings: property, industrial, luxury, flexible (miscellaneous consumption taxes). Under the heading of property are included the customary taxes upon land and buildings as well as the tax on the transfer of real property, inventory, increments and rent. Industrial taxes cover business and partnership taxes, as well as those on concessions for hotels and inns and upon peddlers, hucksters, etc. Flexible ("bewegliche") taxes refer to those imposed upon the sale of certain commodities or services. Here are introduced the following: amusements, taxi's, lodging houses and beverages. Finally, under luxury taxes are to be found those on the number of servants, hunting privileges, motor boats, horses, dogs, musical instruments, automobiles, "luxury dwellings," advertising, and even a tax upon cats which was imposed for a time in certain communities.

It should be noticed that the amount of money raised under the last two categories has been constantly decreasing and in certain communities many of these sources of taxation have been entirely eliminated.

Rights of Officials.—The main topics of the article on the rights of officials are salaries, tenure and training.

In the discussion of salaries decided exception is taken to what is known as the Limitation Law, which was passed by the central government and has been extended to April 1, 1926. The inadequacy of the rates as well as the uncertainty concerning the future seem to the author to be demoralizing, particularly in view of the fact that officials are granted no power of appeal whatsoever.

The question of tenure is criticized in somewhat the same spirit. A general tenure law is proposed that will give those in practically permanent positions such recognized rights as are enjoyed by a comparatively limited number of the upper ranks of officials. The fact that about half of those engaged in the city's service, apart from the laborers, are, at the present time, subject to discharge after due notice seems particularly disastrous.

A final paragraph deals with the limping way in which the training of officials has been moving along. The recent action of the German League of Municipalities is looked upon with much favor. This action is based upon a program for systematic training. The fact that there are at the present time some forty institutions in Prussia which offer preliminary training while in other parts of the empire similar institutions have been established for this purpose is an encouraging sign. The springing up of correspondence courses is also commented upon with interest.

School Reform.—An edict calling for a reorganization of the public school system and setting up new goals both as to content and methods was issued in 1924. It went into effect in 1925–26. The purpose was to bring the German school system into harmony with modern pedagogy. The new program emphasizes the following goals: (1) the development of a cultural unity with a distinctly German imprint, (2) the breaking down of barriers between the individual fields of knowledge, (3) the emphasis upon the development of the individual scholar rather than the learning of content.

The last goal is worthy of some detailed treatment. It is evident that it runs counter to what has previously been accepted as characteristic of German school methods. It is considered that the program of the class should be a working together of all the scholars in a free give-and-take under the direction of the teacher rather than the old style recitation. This is called, instruction by work (Arbeitsunterricht). The author of the article, a city school councillor in Hanover, expresses regret that this reform plan was not discussed with the representatives of the municipalites of Prussia before it went into effect. In his opinion there is an over-emphasis upon the method and a consequent under-emphasis upon matter. Further, he believes that the adoption of this pedagogical principle will require a reduction of the work of teachers and in the number of scholars assigned to individual classes. Finally, he approves most cordially the underlying purpose of the new program, namely, the development of the character and personality of the individual scholar.

Evidently the first year's experience, under the new scheme of things, has uncovered a series of problems many of which are far from solution.

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THE LEAGUE'S BUSINESS

Thirty-Second Annual Convention.—As previously announced the annual meeting this year will be held in St. Louis, November 8 to 10. The National Association of Civic Secretaries will meet with us and it is hoped that the newly organized American Municipal Association will convene at the same place on the days immediately following our sessions.

Full announcement of the programs will be made in the next issue of the Review. As usual, complete advance programs will be distributed to the League members by direct mail.

⁂

Organization of Administrative Research Department.—The National Municipal League has received a sum of money to make possible the organization of an administrative research department in co-operation with the Governmental Research Conference. The new department will be under the supervision of a special committee composed of representatives of the municipal research bureaus and the League. Its new functions will be as follows:

To act as the central library and information exchange for existing bureaus of municipal research and to promote the municipal research idea and the organization of additional bureaus.

To edit, with the assistance of staff members of the bureaus of research, studies and reports applicable to all cities.

To extend the information service now rendered by the League and the individual bureaus to cover thoroughly the administrative field.

In a word, the purpose of the new department is to serve at once the interest of the local research bureaus by providing a central co-operative agency, and through the publication of administrative studies and the establishment of a central information service on administration, to aid the cause of better city government generally throughout the United States and particularly in those cities which do not now enjoy the services of a research bureau.

The editor of the Review feels that the League's usefulness will be greatly increased by extending to the administrative field the service which it has been rendering in the field of structure and organization of government. The undertaking is fortunate in having the full co-operation of the municipal research bureaus and we trust that they will individually find the central agency helpfully efficient.

⁂

Committee on Government of Metropolitan Areas.—Dr. Paul Studensky, secretary of the committee, is at present on the Pacific coast studying the regional government of Los Angeles, San Francisco, Portland and Seattle. He was retained for the month of August as consultant to a committee which is planning a regional government for Portland, Oregon.

Prof. Thomas H. Reed of the University of Michigan has returned from a study of the metropolitan government of London, Berlin, Paris and Brussels, and is preparing a report on the metropolitan government of these cities which will be published as a supplement to the full report of the League's committee. Those interested in the simplification of regional government in the United States should communicate with Mr. Reed in order to avail themselves of his comprehensive knowledge of foreign conditions.

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EDITORIAL COMMENT

Weaver Pangburn writing in this issue of the Review upon tendencies in public recreation states that although originally a child's movement, public recreation today serves almost as many adults as youngsters. A study of a group of middle-west cities last year showed that of those who took advantage of public recreation facilities in Detroit, 46 per cent were adults; in Milwaukee 60 per cent were adults; and in Duluth during the winter the proportion was 75 per cent but during the rest of the year 90 per cent were adults. Public golf is now played in 188 cities. Municipal tennis courts to the number of 6,110 were found in 474 cities in 1925.

As the number of hours in the workingman's day decrease, the problem of suitable recreation increases. Opponents of the eight-hour day used to argue that the leisure time resulting from the shorter day would be wasted if not more seriously abused. The truth seems to be, however, that adults are willing and anxious to spend their free moments in sensible and healthful recreation.

The Survey is trying to find out more about how grown-ups spend their playtime. To this end it is offering three prizes aggregating $400 for the three best essays on the subject. Delivery of manuscripts must be made not later than September 30.

St. Louis' Successful Municipal Opera

We had read of the St. Louis municipal theatre. We understood that it was a community project, built in the first instance by private underwriting and contributions from the city in the form of land and labor, but we never got the feel of it until we saw it and heard a finished caste in a creditable performance.

St. Louisans have a right to be proud of their venture. Placed in a natural amphitheater and with a seating capacity of 10,000, the structure now represents an investment of almost $350,000, most of it earnings ploughed back into the plant. It reflects a community spirit at once adventurous and æsthetic. It is no less a success as a business, than as an artistic, venture. Light opera is the usual diet but there is one week of grand opera each season. The principals are Broadway professionals but the chorus of one hundred are local boys and girls selected in competitions and carefully trained throughout the winter. Each year musical scholarships are awarded to a few of the best to enable them to enjoy advanced study. The stage settings are complete and beautiful; the costumes elaborate.

The stage is enormous and studded with trees. Two large oaks, one at either side, define the proscenium arch. (By the way, these oaks are heavily insured.) The trees give the stage perspective, the illusion of space is complete. Lights thrown against the background of trees give colorific effects much appreciated by the audience, but, which to us, seemed out of keeping with the natural beauty of the scene. A symphony orchestra of eighty assists.

That the theatre is popular is evidenced by capacity audiences each night. There is some criticism because greater attention is not paid to the more serious operas, but the backers are proud that the undertaking carries itself with a profit each year to invest in further permanent improvements; and the present management considers that one week of grand opera a season is all that the enterprise will sustain.

The next time you are in St. Louis between June and September do not fail to spend an evening at the municipal opera. It may give you some ideas for your home town. And remember that it is well to buy your ticket a few days in advance.

❦

Interest in Governmental Budgeting Increasing

The writer recently visited a number of state, city and county governments and talked with financial officers on the planning and control of governmental finances. In practically every case he noted an increased interest in this field. Financial officers are, as a general rule, eager to learn of the latest methods that are being used in budget making and budgetary control in other governmental units.

This fact is apparent from the attendance at the National Municipal League's budget conference, held at the Bar Association in New York City. Invitations were issued to budget and financial officers of state and local governments and to a few other persons interested in the technique of public budgeting, totaling 21 in all. Of those invited, 15 attended the conference. These were as follows: J. H. Bradford, state director of the budget, Virginia; E. H. Conarroe, chief of the budget bureau, Pennsylvania department of state and finance; William E. Curran, city budget director of Detroit; Charles E. Fox, city budget commissioner of Boston; Mark Graves, state tax commissioner of New York; Luther Gulick, director of the New York Bureau of Municipal Research; Clyde L. King, secretary of the commonwealth of Pennsylvania; J. O. McCusker, state budget accountant, Maryland; A. Everett Peterson, Columbia University; Fred W. Powell, Institute for Government Research, Washington, D. C.; Carl A. Raymond, state deputy budget commissioner, Massachusetts; C. E. Rightor, chief accountant, Detroit Bureau of Governmental Research; and Lent D. Upson, director of the Detroit Bureau of Governmental Research. Needless to say the secretary of the League and the writer were both present.

The first day of the conference was devoted to a discussion of budget documents, forms and information; the second day to budgetary procedure and control. The discussion followed a program which had been previously prepared and was more or less general in its nature. In the course of the conference many questions came up which could not be answered satisfactorily at that time.

It is proposed to have another conference some time next year at which some of these questions can be discussed at length. In the meantime, the REVIEW expects to carry some articles on different phases of budget making and budgetary control. The control end of budgeting has so far been largely overlooked in many governmental units, but it is beginning to assume an important place in public administration. Certain devices of budgetary control, such as work programs and allotments, may therefore be profitably discussed in the REVIEW.

A. E. B.

❦

The Primary or Convention —Which? Mr. Fesler, writing in this issue upon the "Primary or Convention—Which?" comes to the conclusion that neither has worked well and that the solution lies in recognizing the merits of both. His proposal follows in general the plan for the direct primary presented by Mr. Hughes in his presidential address before the National Municipal League in Indianapolis. Restore the convention, which is the normal method by which organizations act and which helps to locate responsibility; keep the primary as a ready instrument of appeal from the decisions of the convention. Often the convention will function in a manner satisfactory to the rank and file of the party; when it doesn't, make use of the direct primary by which the party electorate can challenge and reverse the decision of the leaders.

Disheartening revelations in Pennsylvania and Illinois emphasize the level to which the primary can fall. Its critics have for years pointed out that it places the poor man at a big disadvantage but in castigating the direct primary don't let us be forgetful of the faults of the old convention. In theory the convention was perfectly democratic and responsible; in practice it was the contrary. Its leaders, working in secret and capitalizing their practical knowledge of mob psychology, were able to do as they would with the party.

We hear a great deal about the cost of the primary, but we ought to remember that the convention system was often expensive although no statement of expenditures was filed for public information. The convention put a premium upon the purchase of or undue influence upon delegates. We remember that Senator LaFollette, in the days when he was merely a reformer and before he had been damned as a Bolshevist, used to tell how a corrupt machine purchased his pledged delegates and how much they had to pay for them.

On the other hand, the primary also admits of the corrupt use of money and may tend to destroy party responsibility. Those who live in the east where the primary has made few inroads upon party responsibility may not appreciate how serious may become political conditions if such responsibility is absent. We are committed to party government, we want party leaders to be responsible and if they are to be responsible they must be given power; but their position must not be allowed to become impregnable.

The Hughes plan, as well as Mr. Fesler's proposal, recognizes both sides of the problem. In this moment of disgust over the excesses of the direct primary let us not heed those who counsel a return to the old convention system. Their theory is beautiful but their purpose may be open to suspicion. We are not sure always that "their intentions are honorable."

❦

Strike of Municipal Engineers in Chicago It has been generally recognized that technical men, especially engineers, employed by city governments, have not been as well treated in salary increases as other groups of municipal employees. Their number is comparatively small, they have no political influence, and professional etiquette has discouraged their organization as a trade union. But discontent among them has been growing; and in Chicago it has taken the form of a strike.

In 1925 the Engineering Employees Association petitioned the Chicago city council for an increase, but without avail. Disavowing any intention to strike, the engineers thereupon took a three day "vacation" as a protest. Promises were made at the time to do something in 1926 but when the new budget was passed no salary increases were included. Feeling that the city government had broken its word, the engineers began preparation for more radical measures by joining Local 14 of the Technical Engineers, Architects and Draftsmen's Union, which is affiliated with the A. F. of L. It is claimed that 99 per cent of the city employees in the engineer's grades are now members of the union.

It is the custom in Chicago to pass a supplementary appropriation each year but this must be done by July first. When, late in June, it was clear that the supplemental budget, being framed by the city council, would make no provision for the engineers, the union went on strike. When the strike had continued for one day, the council yielded and appropriated $75,000 for salary adjustments for engineers and others. A firm has been employed to make recommendations concerning salary rates for the technical employees and some satisfactory compromise between the city and the engineers will doubtless be found.

The extent to which the unorganized professional men have suffered through inadequate salary adjustments during the changing price level was set forth by William C. Beyer in a supplement to the March REVIEW. In twelve principal cities, the wages of unskilled labor have advanced 97 per cent beyond the level of 1915; patrolmen 71 per cent; firemen 70 per cent. In these same cities the salaries of engineers have increased only 41 per cent, bacteriologists 35 per cent and chemists only 50 per cent. The salaries of department heads and principal executives also lagged behind the general groups.

The Engineering News-Record believes that the Chicago strike has been a serious blow to the engineering profession from which it will take years to recover. Undoubtedly it is important that our municipal engineers, as well as other technical workers, be men of professional instincts and standards. It is probable that a strike tends to destroy their professional *esprit;* but much more destructive is a situation which creates a strike atmosphere. For such an atmosphere the Chicago authorities cannot escape responsibility and it is time that all cities pay attention to the salaries and working conditions of their scientific workers. Between trade union organization with possible strikes and recourse to political activity and chicanery, the choice lies with the former. Neither should be necessary.

NEW YORK CITY'S EXPANDING GOVERNMENT

SOME THOUGHTS FOR MAYOR WALKER'S SURVEY COMMITTEE

BY R. FULTON CUTTING

The cost of government of the nation's largest city has increased fourfold in twenty years. Some changes in organization needed.

THE government of New York City must be thought of as a living and growing entity. This fact is emphasized by the changes that take place from year to year in the work which the city has to handle, in the number of school teachers, policemen, and other employees to whom this work is entrusted, and also by the growing costs of government. In the last twenty years the cost of government has increased from $117,000,000 to $437,000,000. This has been accompanied by an increase in the city's supplementary revenues and by a large increase in assessed values. The assessment roll has risen from approximately six billion to thirteen billion dollars. In the meantime, the number of children in the schools has increased from 506,000 to 910,000, or 81 per cent; the number of teachers from 16,000 to 32,000, or 100 per cent; the number of policemen from 8,700 to almost 15,000, or 70 per cent; and the grand total of all municipal employees has grown from some 68,000 to 116,000. During this period the population has increased from four to six millions, or 50 per cent.

It is clear, therefore, that the government of the city is growing in size and expense not alone because of the growth of the population of the city, but also because of the higher standard of government which is demanded, and because of the increasing complexity of governmental work. In 1906 there was one city employee for every 59,000 population; in 1926 there is a city servant for every 52,000. This is a relative service increase of 12 per cent. But as a result the city is giving instruction to a greater number of children; the water supply is better; the streets are in an improved condition and are accommodating a vastly increased traffic; the city has more complete physical equipment in bridges, pavements, parks and buildings; it has inaugurated extensive rapid transit facilities which serve to decentralize our population; the death rate is lower and the inhabitants live in a healthier and better regulated environment. As a result of a developed sense of moral responsibility and an emerging ethical consciousness, there is an increasing solicitude on the part of the community for the welfare of all its members. Can we not assert that we have a better city, not alone on the physical and economic side but also on the immaterial side as well?

THE CHANGING MACHINERY OF GOVERNMENT

There has been a gradual growth and adaptation of the machinery of the city government to meet these changing conditions. Many old bureaus have been expanded, such as, the traffic squad in the police department; new bureaus have been created like the bureau of child hygiene; new departments have been set up such as the board of transportation; new administrative offices have been instituted such as the budget director and the director of purchase; and the office of assistant to the mayor has been created. Through these changes, the framework of the city government has been adapted to meet new conditions.

PRESENT GOVERNMENTAL ORGANIZATION

The organization chart[1] published by the National Institute of Public Administration, shows the present scheme of city, borough, and county government within Greater New York. Though this chart looks complicated enough already, it must be remembered that there is but one circle or rectangle for each department; the bureaus and other departmental subdivisions are not shown separately.

Those who are familiar with the governmental organization of other large cities, such as Chicago and Philadelphia, will see that the New York city organization has marked superiorities. We have a concentration of authority in the mayor which promotes responsibility and good management, and we have a centralization of purchasing and budget making. At the same time, there are many minor and a few major readjustments which need to be made in the interests of better organization.

SUGGESTED CHANGES

Is it not evident that there are far too many independent boards and departments theoretically under the direction of the mayor? No executive can meet with so many department heads and consult with them about their departmental and interdepartmental problems so as to keep the affairs of the city running smoothly and the departments keyed up to a high pitch of efficiency. Under our present complex system nobody expects the mayor to pay any attention to a department or board until it has gotten into "hot water" through bungling management or graft, or until the public is all worked up over the situation. In other words, the city's chief executive takes a hand only after the damage has been done. This condition cannot be remedied without simplifying our governmental organization. We need to have fewer and, therefore, more inclusive departments. In other words, we need to apply to New York City the same ideas which have been applied to our state government by Governor Smith and the legislature through the passage of laws drawn by the Hughes Commission.

The relation of borough government to the city as a whole deserves further examination. The present plan was worked out as a compromise in 1897 when the Greater City was formed. Few will deny that it is an essentially wasteful form of organization. Spending officers should never be in a position to authorize expenditures. And yet this is exactly the situation in the board of estimate and apportionment where the borough presidents sit as members of a legislative body. How high would federal expenditures be if we allowed the spending officers of the War and Navy departments to sit in the congress and control appropriation committees? How high would our state taxes be if we placed our state departments of highways and education in a position where they could dictate the size of their own appropriations?

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[1] Published in a brief pamphlet just issued by the National Institute of Public Administration and the New York Bureau of Municipal Research.

COUNTY GOVERNMENT UNNECESSARY LUXURY

There are still five separate county governments within the single city of New York. This is an unnecessary luxury. The county governments cost the city almost twelve million dollars a year. A considerable part of this sum may be saved by abolishing the five counties and transferring the remaining county functions to the city. This is not a novel or radical proposal. It has already been put into operation in San Francisco, Denver, Washington (D. C.), Baltimore, St. Louis and all of the cities of Virginia, and is partially in effect in Philadelphia, Boston, and a number of other cities.

There is an opportunity also for many minor changes. The office of city chamberlain should certainly be abolished and his duties transferred to the department of finance, as was recommended by an incumbent of that office a dozen years ago. The board of water supply and the department of water, gas and electricity should be consolidated; and all the health agencies should be brought together in a single department. The two tax boards might well be combined, and there is no apparent need for two departments to disagree over transit policy. There are five authorities administering pension systems, and a considerable group of agencies responsible for the investment of endowment funds. A careful survey by experts in administration of the present functions of the city government would unquestionably disclose many other instances of duplication and overlapping work. It is hoped that the Mayor's Survey Committee will study this question in a comprehensive way and that the State Crime Commission will examine the business methods of our city and county courts.

ADVISORY CITIZEN COMMITTEES

The government of New York City is now so complicated that the average citizen does not have the time nor the qualifications to pass on the important questions which are presented to the city for solution. This is an unhealthy condition for democracy. When the voters are uninformed they cannot vote intelligently. If they do become stirred up over some question, they are liable to decide the matter without proper consideration, and to decide it wrong. In our experience thus far, the most satisfactory method of meeting this situation has been the creation of official advisory citizen committees composed partly of experts and partly of laymen. This has been done frequently in the past to solve occasional problems both here in the city and also by the state government. The recent Hughes Commission, which drew the reorganization bills for our state government, was such a group. It has also been tried in Massachusetts and Illinois as a permanent feature of state government with marked success. Not a few cities, and one small town in Westchester county, have found the plan thoroughly workable. It contains some of the best elements of English and German city government as well.

If all of the work of New York City were reorganized under, say, fifteen major departments, would it not be advisable to create for each department at least one advisory citizen committee? The committees would have no power to interfere with the administration. It would be their function to bring to bear on the work and problems of the department both the expert and the lay point of view. They would serve to sift out community sentiment and to interpret to the press and the public, the work and policy of the department. The responsibility for action would still rest squarely with the administration. It is obvious that a plan of this sort cannot work without broad public co-operation and a highly developed civic spirit. It is becoming increasingly clear, however, that these conditions can now be met in New York City. There are many times over the required number of qualified and disinterested men and women who would be willing to give the necessary amount of time in the service of the city. Is it not an experiment worth trying?

CLEVELAND'S MUNICIPAL AIR PORT

BY JAY MORTON

Commissioner of Information and Complaints, Cleveland

Cleveland expresses her faith in the future of air transportation

Lying at a strategic point in the most direct coast-to-coast air route used by the United States Air Mail, Cleveland has been one of the important stations of this service since its inauguration in 1918. When the first mail plan landed in a makeshift field on the outskirts of the city on a cold September day, the thought of carrying mail through the air as a regular thing, was smiled at. Spring of the following year, however saw the service completed from Chicago, through Cleveland to New York. Business men were taking the service seriously.

The history of the United States Air Mail should be a thrilling chapter of our national story. As much a service of daring pioneers as the pony express, it had the additional handicap of thriving with little or no appropriation and little support aside from the vision of its founders and those who manned its joysticks.

September of 1920 and the first coast-to-coast relay route was completed. Railroads were used to fill unflown gaps until 1924 when mail was carried for the first time from Atlantic to Pacific by planes. With its record of service and low losses better in proportion than by rail, the Air Mail advanced its schedule. In 1,500 miles of western territory dotted by guide lights it carried the nation's business through the air by night.

Overnight delivery of business correspondence was so valuable that it was apparent it must be extended through Cleveland to New York. Late in 1924 Cleveland found itself the only missing link in the eastern night chain—because it had not an adequate field.

Faced with the possibility of losing the Air Mail Station, Cleveland got busy. Manager Hopkins and the city council found they were on an entirely unchartered path when they surveyed the possibility of a municipally owned field. Some members of the council were at first strongly opposed to the unprecedented scheme. Legal technicians pointed out a multitude of reasons why the city could not do this thing.

SELECTION OF SITE

Problem one was selection of a site. To the layman this was merely a question of finding a large flat field somewhere near Cleveland. Dissension arose because some could not see why the plot in their favored section was not as suitable as another.

Fortunately, the city manager tackled the matter from the angle of permanence and safety. With the aid of government and individual air experts, he located 1,000 acres of property which these men of the air declared ideal. Numerous sites would have served for the needs of five years or less. Only one was found suitable to the real air port, with a capacity in keeping with the future of air travel.

Major General Mason M. Patrick, chief of the United States Army Air Service was of invaluable assistance. He also assigned Major B. K. Yount and Lieut. W. E. Richards of McCook Field to assist the manager in scouting the vicinity. Both officers made several flights to test various landings. Capt. E. V. Rickenbacker, whose wartime flying record is a matter of history, gave Cleveland the benefit of his experience and enthusiasm.

His judgment backed by that of expert flyers, the manager on his own initiative secured options on practically all of the 1,000 acres. Some seventeen individual tracts were involved. City officials who set out to tie up property for future air fields will realize that Cleveland's representatives accomplished a remarkable feat.

The United States Air Mail signified its intention to lease a section of the field, to locate its eastern division headquarters at this more convenient point. Commercial lines indicated in advance they would be interested in a Cleveland station.

With the site under option the manager presented his entire proposal to the council and the public. Such opposition as arose in the council was based upon contentions that the city would be subsidizing the Air Mail and private industries—that such a development was entirely outside the field of municipal activity—that there was no legal way to obtain the property or to hold it, and similar grounds.

Public sentiment was almost unanimous in favor of the project. Newspapers were prompt to see the need. That the city's viewpoint had broadened was indicated by the readiness with which it realized that only by establishing a great port could Cleveland remain a factor in the imminent development of air travel and the industry growing up about it.

City Manager Hopkins in debating for the field brought out that salient point.

"Two things make cities", he said, "Highways and the means for the people to meet and exchange their questions, their ideas or anything else for which they may desire to meet. There never was a great city except upon great highways; there never was a city that did not provide ample space for the people to come and do whatever thing they wanted to do. This city owes its prosperity and distinction to its highways. Until the Ohio Canal came here in 1826, nobody knew whether this town would be a prosperous city or remain a village.

"We have seen in the last twenty years the development of air transportation. We have now in the air the greatest of all highways. Not even for ages can we forecast the possibility of transportation in these unlimited spaces of the air. The only limit upon that development at any particular place is the possibility at that place for aircraft to land, including of course all services which they would naturally need at such a landing or starting place."

Council's first step was adoption of a policy by approval of the city manager's report dated January 28, 1925. In February and March council resolutions declared the city's intention to purchase and directed the manager to exercise his options.

DIFFICULTIES ARISE

The unchartered nature of the road was immediately apparent. Council was without power to appropriate money for the purchase of land for air field purposes. Cleveland representatives in the state legislature helped to pioneer the way by amending sections of the Ohio General Code so that cities might have power to appropriate money for such use. The legality of the amendment was at first questioned, but the council appropriated $1,125,000.

Once purchases were started difficulties arose over properties upon which options had not been taken before publicity was given to the plan. The optioned areas were taken in at what was held by valuation authorities to be reasonable and fair prices. In connection with the balance another obstruction proved to be lack of council power to condemn land for such a purpose. Again legislative aid was resorted to, and it is now law in Ohio that land may be condemned for airplane landing fields just as for other public needs. The move was fortunate, as it became necessary to enter appropriation proceedings on some 200 acres.

It is significant that today, little more than one year from the formal opening of the field, land values have tremendously increased. The city may face the necessity of paying in the courts a premium on this increase brought about by its own development.

The next problem for which there was no precedent was the making of a lease with the United States Air Mail. How would a city contract with the federal department upon the partial use of a municipally owned air field?

Local lawyers saw complications. Federal authorities had never made such a lease and were not at all certain how it should be done. Cleveland now has what is probably the first such lease, due chiefly to the long legal training of the man who is manager of the city. Legal experts say it is a good model.

The Air Mail immediately dug into the job of aiding the city service department in the task of clearing the property. There was some grading, removal of a knoll here and filling of a hollow there. A few trees were in the way of the first runways. Under the direction of John Berry, field engineer for the government, a remarkable record was established in clearing and grading.

FIELD EQUIPMENT

Three hangars with a capacity of eighteen planes, shops, administration building and night lights were installed. Before the field was ready to use the Air Mail investment was more than $200,000. A floodlight of 500,000,000 candle power illuminates the field its entire mile in length and width so that every pebble stands out as in daylight. A 3,000,000 C. P. revolving beacon guides pilots to the field by night. Small lights with vertical reflectors outline the landing area and all buildings are bathed in brilliant light to be seen from the air.

Night flying was scheduled to start July 1, and like every other schedule of the Air Mail it was on time. The field was so worked that 2,000 foot runways into all prevailing winds were ready for the formal opening of the Cleveland Airport on the night of July 1, 1925.

Celebration in connection with the formal opening was scaled to the occasion. Starting with a banquet in the vast auditorium at which tables were set for 3,000 and Army, Navy and Postal officials were guests, it wound up with a night flying circus. Police and newspapers estimated 250,000 persons witnessed the program. More than 100 planes, most of which had some part in the stunts, demonstrated the capacity of even the small portion of the field then in use.

Flights from McCook Field, Dayton; Battle Squadrons from Selfridge Field, Michigan; Army and private planes from many other cities flocked to Cleveland. General Patrick flew over from Dayton and pronounced landing and conditions right. Night flying equipment of every description was demonstrated. Mail arrived and left Cleveland through the darkness for the first time.

Ford Commercial Air Lines inaugurated daily service between Detroit and Cleveland July 1. Negotiations were started and a lease similar to that of the Government was recently made with this first express line. Hangars are now in service and two trips are made daily.

One of the important problems proved to be proper location of leaseholds so as not to interfere with future developments. Both the Mail and Ford hold small areas on the very edge of the property, using the field proper for landing, testing and general approach to their own sections. The city thus retains control of the port.

FUTURE SERVICE

Its major problem after securing the property is that of service to air vehicles. Is it the city's province to maintain a service station directly under a field manager? Should this be let out as a concession? How can it be regulated. These are questions difficult to solve.

Cleveland is now studying the matter of port management, whether it shall be by commission, as a city department or as its great public auditorium now is managed, by a manager entirely free from departmental interference and entirely responsible for its success.

The question of policing the air will soon be settled. The services of Glenn L. Martin whose plane manufacturing plant is located in Cleveland have been offered. Mr. Martin has offered to place a plane at the disposal of the police department for air regulation and for tracing criminals fleeing by automobile over the highways. As a speeding car can be readily picked out from the air, its position could be flashed to the nearest heading-off point with ease.

The plans of the completed Cleveland Airport provide for runways approximately a mile in all directions in the section now in use. Room is left west of this section for duplicate runways of equal size and mooring masts for the largest lighter-than-air craft. Through the main clearway of both sections can be in the future a runway long enough for the heaviest plane man can build. The entire field has been seeded, and landing or taking off will not be restricted to "alleys."

Interurban electrics run across the front of the field on the main highway. Two railroads are nearby, one within very practical siding and passenger station distances. Busses run to the corner of the property now and may be extended to the loading station when passenger service is established by air.

As the crow flies the field is nine and one-half miles to the public square. By road it is thirty minutes with at least two feasible routes now available. Trains from Union Station to the Airport could conceivably make a ten or twelve minute run, a remarkable feature in view of the future possibilities of air passenger service. Speed, the very essence of air travel is not hampered, as on many fields near large cities, by loss of time in reaching the side of the plane.

As it stands now, 750 acres have been purchased by the city. The actual clearing and grading into permanent usable shape is well under way. Leases involving a few thousand square feet on the edge of the field already bring $3,600 a year for rentals alone. There are further leases in prospect and miles of fringe property to lease without diminishing the vast landing areas. Property values in the vicinity have been greatly increased. Already an additional Air Mail route to Pittsburg is under way, a permanent passenger line is in prospect and industries representing real value have plans soon to be announced affecting the city. Up to June 30, in just one year of operation, 4,000 planes had landed and taken off from the Cleveland Airport, by actual log.

At least a half dozen cities at this moment are taking steps to acquire a municipal airfield. They will find the way difficult, perhaps, but beyond all question well worth fighting through.

That there is no precedent for this—that the other thing has never been done—that it is looking too far into the future; these are arguments which will sprout in the path of municipal airport development. City executives and public spirited citizens who have the courage to mow down such obstructions and do the thing will undoubtedly place their communities on the front line of progress.

TENDENCIES IN PUBLIC RECREATION

BY WEAVER PANGBURN

Playground and Recreation Association of America

Publicly financed recreation is growing by leaps and bounds. Adults play more :: :: :: :: :: :: :: :: ::

WHETHER recreation shall be administered by park commissions, school boards, independent recreation commissions, or other city departments, is a question on which there remain definite differences of opinion. Nor is there a complete meeting of the minds as to whether public recreation shall be financed by private or municipal groups. It is worth while to turn from theoretical arguments favoring one method or another and to examine the trends in recreation as shown by statistics over a period of years. While recreation is one of the newest of public functions, it is now of age, so to speak, and its prolonged existence in so many cities in the United States and Canada makes feasible an intelligent survey of tendencies.

The aim of this article, therefore, is not to argue for a given form of administration or financing but to examine the statistics on this subject in the Year Book of the Playground and Recreation Association of America, prove what they will. Trends in legislation, recreational use of parks, school recreation space, leadership, and programs will also be discussed.

Of the Year Book it should be said that its statistics are obtained from replies to questionnaires sent annually to 2,500 communities by the Association. In 1925, 748 communities reported organized recreation under either private or municipal auspices, as contrasted to 711 in 1924 and 696 in 1923. Only programs that have leadership are included in the report.

ADMINISTRATION

The table below compares the managing authorities reporting in 1915 and in 1925.

Administration of Municipal Recreation Systems in All Cities Reporting

Managing Municipal Authority	*1915*	*1925*
Park commissions or departments...	31	111
Schools........................	71	113
Recreation boards, bureaus, commissions or departments.........	76	174
Councils or selectmen.............	6	17
Public works department..........	3	10
Parks and public property department........................	6	..
Combination of departments.......	19	21
Miscellaneous....................	..	13
Total........................	212	459

The total number in 1925 was 459 cities under municipal auspices, more than 61 per cent of all cities reporting organized recreation for the year.

The cities as listed above include not only those in which there is year round leadership but also programs conducted during the summer only. As year round recreation programs admittedly are more permanent and far-reaching, since they provide activities for all seasons, a comparison of the auspices and management in year-round cities is a better index to trends in administration than the comparison just made. In the following table, only cities reporting at least one worker employed full time the year round to give leadership are included.

Administration of Year Round Municipal Recreation Systems in the United States and Canada

	1915	*1925*
Independent recreation commissions, bureaus, departments, boards, etc.	30	93
School boards, departments, districts, boards of education.............	25	40
Recreation bureaus in park departments, park departments, park commissions..................	8	28
Joint departments or commissions, such as parks and playgrounds commission..................	5	21
Other city departments...........	2	8
More than one department of divided management..................	17	24
	87	214

This table shows a total of ninety independent recreation commissions, bureaus, departments or boards of recreation, which exceeds the combined total of recreation programs managed by parks, schools, and joint departments or commissions. It is also three times the number reported in 1915. However the increase under park auspices was 250 per cent and under joint departments more than 300 per cent.

HOW RECREATION IS FINANCED

Of the 748 cities reporting in 1925, 556 were financed wholly or in part from municipal funds. In 1915 through 1925, the number completely financed from tax funds doubled, increasing from 182 to 362. The number privately financed increased by 59 per cent, that is, from 112 to 178. Publicly financed programs were thus twice as numerous as private last year. Those financed jointly from municipal and private funds increased 47 per cent, growing from 130 to 190 cities.

BOND ISSUES FOR RECREATION PURPOSES

A review of the bond issues for recreation during the ten year period

1916–1925 shows there was much fluctuation in the number of issues and the total amounts for a single year. In 1916 twelve cities issued a total of $2,900,500. The two following years, when the United States was active in the war, showed lean issues, totaling only $473,800 and $68,126 respectively. In 1919 there was a reaction to the large sum of $13,510,000 issued by seventeen cities. The next largest total was that of $11,301,317 in 1924, twenty-eight cities sharing in the amount. Last year the unusually large number of fifty-two cities reported issues, but the total was four millions less than that of the previous year.

In the three years when the total issues exceeded ten million dollars, the amounts were swelled greatly by such unusual single issues as $10,000,000 for Detroit in 1919; $3,800,000 for St. Louis in 1923, and $8,000,000 for Chicago in 1924. The total issues for the ten year period were $53,500,662, representing 211 different issues but not that many cities.

LEGISLATION

Municipal recreation has been stimulated by the passage of legislation in the following states: Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Utah, Vermont, Virginia, and West Virginia. Such laws authorize cities, villages, counties and townships to operate systems of public recreation and playgrounds. The first such law was passed in 1915. In most of the states the legislation is less than five years old. Three of the earlier laws have been amended since 1923. In Florida, Georgia, Illinois, Indiana, Iowa, New Jersey, New York, North Carolina, Ohio, Vermont, Virginia and West Virginia, the laws have referendum features compelling city commissions or councils to put to a vote the question of establishing recreation systems to be financed under a specified millage levy if a certain percentage of the qualified voters petition for such a vote. Under the encouragement of this feature, Springfield, Centralia, Blue Island, Maywood, Forrest Park, Alton, and Willemette, Illinois; Waterloo and Cedar Rapids, Iowa; Jacksonville, Florida; Mt. Vernon and Oneida, New York, and Perth Amboy, New Jersey, have established municipal recreation commissions and systems of recreation since 1923. In certain other cities where the issue was voted upon, it was defeated.

RECREATION SPACE NEAR SCHOOLS

L. H. Weir, who is making a national survey of municipal and county parks and forests, remarked early this year on the part that schools are beginning to play in providing "stations" for outdoor recreation. Mr. Weir to date had collected data from 2,209 communities. In Greensboro, N. C., 160 acres of school grounds had been acquired during the preceding year, he stated. The plan, he said, was to have an area of ground around each school of not less than five acres—and most of these areas are ten to eighteen acres—so that neighborhood recreation or play parks will be connected with the school buildings. "In addition to that," stated Mr. Weir, "they are putting inside of their modern school buildings all those facilities that we ordinarily find in a community house or a recreation building, such as gymnasiums, swimming pools, auditoriums, public baths, manual training shops, domestic science and domestic arts. . . . In the city of Winston-Salem, a city of about 70,000 people, ten schools have a total of 243 acres, or an acreage of approximately 24 acres per school. The smallest of these grounds is six acres and the largest thirty.

City planners very generally urge that playgrounds be located on or adjacent to school properties except in sections of the community where the schools are too remote from the children's homes to make such locations practicable.

In Massachusetts each new high school is required to have at least twenty acres of land. At least two new high schools in Cincinnati have forty acres each. A new one in Flint, Michigan, has 41 and in Wichita, Kansas, 59. A bulletin published by the state of California showed that in that state 50 high schools had 10–15 acres, 27 had 15–20 acres, and 27 had more than 20 acres.

The organization for use of the rapidly increasing school play areas has lagged, according to Mr. Weir.

In some cities, what is in effect a park-playground-school plan has developed. The location of new schools near parks, beautification of school play areas by landscapers, the purchase of areas adjacent to schools for play purposes by recreation commissions are phases of this co-operative planning. Such emerging of interest has been carried out primarily with reference to the space and without involving questions of management or authority. In Detroit recently a part of the proceeds of a large bond issue was expended for the purchase of areas for playgrounds adjacent to schools. In Winston-Salem, N. C., areas for school parks have been acquired and beautified by the school authorities.

THE RECREATIONAL USE OF PARKS

Another trend that Mr. Weir finds in his study is a more favorable attitude toward recreation activities in the parks from the great majority of park executives. Relating how a superintendent of parks who ten years before had bitterly opposed locating playgrounds, baseball diamonds and other types of recreation facilities in the parks now stated that he was no longer opposed to such facilities, Mr. Weir said that he felt this attitude was typical of practically 95 per cent to 98 per cent of the park builders and planners of the nation today.

LEADERSHIP

With the rapid increase in the number of employed workers in recent years has come increased attention to training. Playground leaders are trained mainly in local institutes which have steadily multiplied in the last five or ten years. One hundred fifteen cities reported classes for employed workers and 84 for volunteers for 1925. A notable institute was that in Houston early this year. It was attended by 600 persons and lasted three weeks covering playground administration, dramatics, music, and many other topics.

Beginning in 1919, the Playground and Recreation Association of America has conducted a series of short course schools for community recreation executives. The students have been principally employed workers. This year a community recreation school of advanced character, to which only college or normal school graduates will be admitted, covering nine months' instruction, will be established in New York by the Association.

The increased importance given to recreation and the stabilizing effect of municipal support has attracted a constantly improving calibre of men and women. Salaries, too, have shown substantial increases. In recognition of the fact that the recreation executive must have special qualifications, civil service commissions are more and more ready to open positions to persons from outside their own communities.

ADULTS PLAY MORE

Originally a children's movement, public recreation today serves approximately as many adults as youngsters, except where the systems are new. A study in a group of middle west cities last year showed that in Detroit the division of participants was 54 per cent children and 46 per cent adults; in Milwaukee, 60 per cent adults and 40 per cent children. In Duluth, the program catered to adults to a degree of 75 per cent in the winter, fall and spring and to children in summer to a degree of 90 per cent. Public golf, which five years ago was not considered important enough to list in the Year Book of the Playground and Recreation Association of America, is now played in 188 cities. Tennis courts totalled 6,110 in 474 cities in 1925, as against 4,365 in 410 cities in 1924. Swimming pools, quoit courts and other facilities used primarily by adults have shown notable increases in recent years.

All available data points to the conclusion that the principle of publicly administered and publicly financed recreation is becoming firmly entrenched in the public mind.

FEDERATED GOVERNMENT FOR PITTSBURGH AND VICINITY

BY PAUL STUDENSKY

Secretary, Committee on Regional Government, National Municipal League

A proposal for the government of the Metropolitan Region of Pittsburgh which leaves to the smaller municipalities a large measure of influence and control. It is perhaps unnecessary to add that this article does not express the views of the committee or conclusions of any member. :: :: :: :: :: :: :: :: ::

The leading citizens of the city of Pittsburgh and of the other towns in Allegheny county are discussing a plan, proposed by the legislative commission on municipal consolidation in Allegheny county, for the unification of the municipalities in the county along the lines of a federal relationship.

Under this plan, the county of Allegheny will cease to exist as a county. It will be turned into the consolidated city of Pittsburgh. In addition to the powers now exercised by the county and poor districts, the enlarged city will possess certain additional municipal powers which the charter, to be prepared under the proposed constitutional amendment, may confer upon it. The government of the new city will be built out of the government of the county, not out of the present city government. Beneath the government of the new city, the present Pittsburgh and the 126 other municipalities will continue to exist as municipal divisions of the new city. Their present machinery of government, *i.e.*, their mayors, burgesses, councilmen, supervisors and other officials, and their powers of taxation and borrowing for local purposes will be preserved for them. Pittsburgh will receive credit for a population of about one million and a half, or more than twice its present population, and will embrace an area of approximately 700 square miles as compared with the area of 45 square miles which it now occupies. The great bulk of this larger area is rural territory.

THE PROPOSED AMENDMENT

The plan is embodied in a constitutional amendment, passed for the first time by the legislature in special session in February of this year. If approved by the legislature again in its 1927 session, it will be voted on by the people of the state. If the amendment is adopted, it will be up to the legislature then to provide the machinery for the preparation of a charter for the new city. In order to become effective, this charter must be first enacted by the legislature, and then must be approved by the people of the county. However, it must be approved not only by a majority vote of the people of the county but also by a two-thirds vote in each of a majority of the municipalities within the county, *i.e.*, by 64 municipalities. Originally the bill required approval by merely a majority of the municipalities. But one of the senators amended it, changing majority to two-thirds, in order still better to safeguard the small municipalities.

The amendment was prepared with the assistance of Prof. Thomas H. Reed of the University of Michigan. It is worth noting that the commission which sponsors the amendment, is composed pre-eminently of representatives of the boroughs and townships. Out of the twenty-four members of the commission, nineteen are representatives of the smaller municipalities and only five represent the city of Pittsburgh, although Pittsburgh contains almost one-half of the population of the county. The representatives of the minor municipalities have, in fact, been nominated by the League of Boroughs and Townships of Allegheny County,—an organization which was created fifteen years ago to fight annexation to Pittsburgh, and which has carried on the fight actively ever since. The chairman of the commission and leading exponent of the plan—Mr. Joseph T. Miller—has been the moving force of the League of Boroughs and Townships from its very inception, first, as its secretary and now as its president.

THE PLAN IS A COMPROMISE

The plan represents a compromise between the policy of annexation and that of non-cooperation with Pittsburgh. It is a result of the realization by both the annexationists and anti-annexationists that a plan could be devised by which the local governments would be preserved, Pittsburgh given credit for the larger population and a machinery of government organized that could take care effectively of the needs of the district. It is a result particularly of the realization by the leaders of the League of Boroughs and Townships that they were bound to lose their battle against annexation unless they proposed some substitute plan for it; that they could not continue to be mere obstructionists but had to develop and lineup behind some constructive plan.

The charter can confer on the new municipality any powers "appropriate to a municipality" except such municipal powers as are specifically reserved to the municipal divisions of the new city. The government of the city would be vested in a board of commissioners (presumably of a small number). Authority is given to provide in the charter for the exercise by the new city of certain specific powers not now mentioned in the constitution, such as, zoning (which is now being carried on by the city, assessment of the costs of improvements not only on adjoining property but also upon outlying property specially benefited thereby, and the creation of special districts for special services or improvements. The charter may provide for the maintenance by the new city of a metropolitan police and fire department. Property would be assessed for taxation purposes under the amendment according as it is of urban, suburban or rural character.

The amendment would guarantee to the cities, boroughs and townships their "continued existence as divisions of the consolidated city under their present names and forms of government and with their present boundaries "except that the present city of Pittsburgh" may be designated by a term "other than city and may be divided into two or more municipal divisions" and that any two or more municipal divisions may voluntarily unite into a single municipal division. No municipal division other than Pittsburgh could be split into two or more divisions. Consequently, no new borough, for example, could be formed out of parts of an existing township, and the number of municipal divisions cannot be increased. The municipalities will have under the amendment a constitutional status and guarantee of home rule which they do not now possess.

HOW POWERS ARE DISTRIBUTED

It is the intent of the amendment "that substantial powers be reserved" to these cities, boroughs and townships. The performance of all services, improvements and other works "which shall be within the municipal divisions and principally for the use and benefit of the inhabitants thereof" except "the construction and maintenance of through traffic streets and bridges, tunnels, subways and appurtenances thereof (and) main or trunk lines for sewer, power and water service running through more than one municipal division and designated as such by the board of commissioners (of the new city) is reserved to the cities, boroughs and townships." The amendment would also reserve to the several subdivisions the power to maintain a local police force or local fire department, supplemental to the metropolitan police or fire force, the powers of taxation and borrowing for local purposes and "all other powers not specifically granted by the charter to the consolidated city." Any municipal division may, however, voluntarily by a majority vote of its electors, surrender any of its powers to the consolidated city.

The amendment provides that the charter of the new city may be amended by the legislature subject to the ratification by a majority vote of the city, but no amendment reducing the powers of municipal divisions shall be effective unless ratified by a majority of the electors voting thereon in each of a majority of the municipal divisions.

EFFECT ON PITTSBURGH'S POLITICAL POSITION

The plan, if adopted, may work to check the domination of Pittsburgh's political machine over the government of the new city (county). It may even go so far as to assure a dominant control over the new city to the towns outside of Pittsburgh and the political groups in control of them. In the first place, these towns now contain a population slightly in excess of that of Pittsburgh. The balance of votes in their favor in the new city will be likely to increase, inasmuch as the population outside of Pittsburgh increases faster than in Pittsburgh, due to the fact that the city is already relatively densely populated and cannot accommodate new population as readily as can the surrounding towns. The scheme will tend to check to some extent, further annexations to Pittsburgh and, consequently, to preserve the balance of votes in the new city in favor of the boroughs and townships. Secondly, the boroughs and townships and especially the men in control of their affairs, being very jealous of Pittsburgh, may be inclined to insist on the adoption of such provisions in the charter as will assure them dominant control over the affairs of the new city; and, having the right of absolute veto over the adoption of the charter and of any amendment of it under the scheme (the adoption of the charter being conditional on the approval of it by two-thirds of the voters in each of a majority of the municipalities), may succeed in carrying this purpose through.

The rank and file membership of the League of Boroughs and Townships, and generally the men in control over the affairs of the small towns, do not yet share the enthusiasm of the leaders of the League for the new plan. They are, in fact, very suspicious of it. But in due time they may change their attitude and come to favor the plan, as a further study will reveal to them that it will doubtless place large powers in their hands.

CRITICS OF THE AMENDMENT

Some critics of the plan contend that even if the amendment is adopted it will be exceedingly difficult to secure the adoption of a satisfactory charter, in view of the provision requiring the approval of it by two-thirds of the voters in at least 64 municipalities out of 127. One group, they say, will object to one feature of the charter, another to another. These features may be of minor importance in the whole scheme, but they may be important to the particular groups or may provide good talking points to those who will seek to defeat the charter. The objector may each gather enough votes, under this arrangement, to defeat even the best charter.

Curiously enough, three and a half months after the adjournment of the legislature, when the volume of session laws with the official text of the resolution became public, it was discovered that an error had been made in amending the resolution by which the word "majority" was stricken out and the words "two thirds" were substituted in the wrong place with the result that the adoption of the charter is made contingent on a "two thirds vote in a majority of the municipalities in Allegheny County" instead of a "majority vote in two thirds of the municipalities" as was intended by the sponsors of the amendment, thus making the adoption of the charter still more difficult. The question was raised whether it will be necessary to have the error corrected by the next legislature and have the whole procedure started anew, in which case the date for the ratification of the amendment would be postponed at least two years. The sponsors of the amendment are inclined to disregard the error and go ahead with the correct draft in the expectation that if the constitutional amendment is adopted by the people and is attacked in the courts on the ground of the changed wording, the courts will sustain it, taking the view that the intention of the legislature in the matter was clear.

The amendment is also being criticized for being too long and too detailed. Many of its provisions, it is said, will be interpreted differently by different people and will have to be ruled on by the courts. It will be very difficult to correct any errors in its phraseology, or, above all, in the scheme itself; for such correction may be possible only by means of another constitutional amendment and the accomplishment of this may take many years. The plan is essentially an experiment and as such may need to be revised from time to time. It should have been left, it is contended, to be dealt with to a larger degree by the legislature which could make necessary revisions, subject to general provisions which would assure home rule, instead of having been put so largely into the rigid forms of a constitutional amendment.

The authors of the plan were perfectly familiar with the dangers of "legislating by a constitutional amendment," but they felt that they would never be able to sell the plan to the boroughs and townships unless they put in black and white what the legislature could do and what it could not do, in the development of the plan and, unless they shifted, in fact, the power of development of the plan from the legislature to the boroughs and townships. The plan may be imperfect, they say, but we must begin somewhere.

Some Pittsburghers fear that the supergovernment, which the plan will set up over their city and which may be controlled by the boroughs and townships, may work to stifle the development of their city. Control by the politicians of the small towns, they say, may even be worse for Pittsburgh than a continuation of control by the city politicians. Some of them feel also that a federated plan of government would not work in the municipal field and that very little can be gained by maintaining within the enlarged city the borough governments which, in their judgment, are very ineffective, and are even more closely controlled by a few interested officials and other individuals than is the big city. The authors of the plan, on the other hand are convinced of the advantage of having local men in charge of borough affairs and their ability to bring with them a wholesome influence into the city and in the relative efficiency of these smaller governments. They urge the preservation of these governments, particularly for the sake of preserving that local civic consciousness which, they contend, manifests itself in the boroughs, although the opponents deny that it exists.

The plan has been discussed very little in Pittsburgh. Few people know as yet what it is all about. Will it be discussed more actively in the city? Will the Pittsburghers be satisfied to leave the development of the plan to the boroughs and townships (if the latter make it their own) in the expectation that they will do the fair thing by the city, or will they take an aggressive stand for or against the plan? This remains to be seen. The general political situation in Pennsylvania will, in part, determine the attitude of the city and the boroughs and the progress of the plan.

It must be evident to any unbiased person, irrespective of the weak points that he may find in it, that it represents a serious-minded attempt at the solution of a very puzzling problem and represents a considerable advance over the traditional attitude of the small municipalities on this question.

Students of government will find an examination of the plan worth while. It carries the idea of a federal relationship among municipalities probably further than any existing plan or scheme of municipal government either in this country or abroad.

THE PRIMARY OR CONVENTION—WHICH?[1]

BY MAYO FESLER

Director, The Citizens League of Cleveland

The author thinks we should have both

In every day life there are some things which we are always debating and never seem to settle—prohibition, taxation, municipal ownership, evolution, and fundamentalism. In political life one of the long discussed and still unsettled questions is "How shall candidates be nominated for public office?" It was a question in colonial days. It was a problem in the early republic. It was warmly discussed in the seventies. It was the subject of many bitter verbal battles during the fights for the direct primary between 1890 and 1910. And the question still seems as far from settlement as ever.

Even in the much vaunted town meeting days when democracy—at least from this far off distance—seems to have operated so perfectly, we get inklings of nominating practices which were not altogether consistent with what our school histories tell us of that golden age. That crabbed but honest and sturdy old patriot, John Adams, writing of primary methods in Boston, back in February 1763, says in his journal:

> This day I learned that the caucus club meets at certain times in the garret of Tom Daws, the adjutant of the Boston regiment. He has a large house and a movable partition in the garret, which he takes down and the whole club meets in one room. There they smoke tobacco 'till you can't see from one end of the garret to the other. There they drink flip, I suppose; and there they choose a moderator who puts questions to vote regularly; and selectmen, assessors, collectors, fire wardens, and representatives are regularly chosen before they are chosen in the town.

In other words, a few of the political leaders got together on the quiet, much as they do now, selected the candidates and then went before the town meeting and had them endorsed. That was the way the famous town meeting operated so democratically.

When the federal constitution was framed, providing for election of a president and members of congress, no provision was made for nominating candidates for these offices. In fact, political parties were not even recognized in that noted document, and Washington and Madison expressed the sincere hope that they would not develop.

Nor did the early state constitutions provide for any system of nominating state and local officers. They provided for their election, but outlined no method by which their names could be placed upon the ballot. Nominating systems and political parties, which should be responsible for nominations, were permitted like Topsy to grow up in their own way.

It is not surprising, however, that the fathers did not deem it necessary to establish a nominating system. In colonial days they followed English experience where candidates, being few in number, were usually picked or designated by the leading citizens. The first nominee for the presidency of the new republic was so obviously

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[1] An address before the Detroit Citizens League.

General Washington, that a nominating convention did not occur to any one. And the second nominee, John Adams, seemed quite as obvious.

So it was not until after the political revolution which put the radical Thomas Jefferson into the presidency that factional and party lines began to be sufficiently definite and rigid to require nominating machinery. Then in both the nation and states there developed the caucus—the congressional caucus for naming candidates for president and vice president,—the state legislative caucus for naming candidates for governor and in many instances for members of congress. This caucus method of nomination continued for some years until it became so thoroughly unpopular, because of its unrepresentative character, that factions within the parties refused to abide by the result. Then the caucus was abandoned.

It was a pardonable device in the absence of any thing better; but it was totally at variance with the principle of separation of legislative and executive powers laid down in the constitution. The caucus made the executive the creature of the legislative branch of the government; and instead of being independent of the legislature, as the constitutions intended, he naturally became the pliant tool of the legislature. This result, together with the unrepresentative character of the caucus, forced the political leaders to seek some other plan of nominating candidates.

In the meantime, a device had grown up in Pennsylvania whereby a group of delegates met in convention to choose a candidate to oppose the legislative caucus candidate for governor. The two factions became known as the "constitutionalists" and "conventionalists." This was the beginning of the delegate convention plan of nomination which gradually spread to other states. At first it was incomplete and crude in form; but as it expanded and refinements were made from time to time, it became the accepted method throughout the states and nation for nominating candidates for public office. By the time political parties became firmly established, the delegate convention process of naming candidates had become as much the practice as if it had been written into law.

THE PARTY CONVENTION SOUND IN THEORY

Here was a device which seemed to make the republican form of government really workable. It was founded upon sound principles and was in full accord with the underlying theory of representative government. All of the voters of a party, of course, could not meet in mass meeting to choose their candidate for president, for governor or for mayor. So what could be more reasonable than to say that the voters in a small community shall get together and choose their delegates to represent them in the party convention? That is what the republican form of government means—government by the representatives of the whole people.

Then why wasn't it continued? Because in practice it lost the thing that made it sound in principle—its representative character. The convention soon ceased to be representative of the people who chose the delegates. In the hands of unscrupulous political leaders and party bosses it became the tool for their selfish purposes. It was used by them to reward the faithful, punish the insubordinates, promote the selfish interests of financial groups, and place the highest officers in the state and nation under personal obligations to those who, for the time being, were in power.

The delegates were handpicked by

the party bosses. They were bought and sold for hard cash. They did not represent their constituents—"they were as sheep before the slaughter so they opened not their mouths"—except to vote as they were told. They were not delegates—they were mere dummies. That is why the convention became so unpopular.

I recall a scene during my college days in Chicago—a Republican county convention, under the tutelage of Billy Lorimer, which met in a large hall on the south side to choose candidates for county offices and the state legislature. I sat in the gallery just over a delegation from the district in which Hinky Dink and Bath House John flourished like the bay tree. All day during the convention the leader of that delegation walked up and down the aisle beside and in front of his men scowling and scolding; and every time a vote was to be announced, he would yell out to them how to vote and the whole delegation would respond like an echo. Of course, that was not representative government; it was autocracy of the worst kind.

CONVENTION BECAME UNPOPULAR

I am also reminded of an incident in my boyhood days down in Indiana—the state which has had more politics to the square inch and where the politicians have originated as many methods of thwarting the electoral will of the people than probably any other state in the Union. We had an old shoemaker in my home county—a man liked by everybody—honest, frank and popular. He became interested in politics and decided to seek nomination for the legislature. There was no doubt of his popularity, and he was openly encouraged by delegates and voters alike to make the race. The day of the convention arrived, and Uncle Billy, dressed in his Sunday best, drove down to the convention town. Everybody seemed to be for him and he was confident of success. When he reached home late that evening, his wife noticed the absence of buoyancy in his step and a strange silence on his part. Finally at the supper table she asked him how things at the convention had gone. His reply was, "Well, Nancy, everybody was for me but the delegates." He was right, of course, as far as he could see; but he told only a part of the truth. If the voters had had their choice, Uncle Billy would have been nominated overwhelmingly. The delegates, almost to a man, would have been for him if they had been free agents; but they were not. The local bosses, knowing that Uncle Bill could not be controlled when he got into the legislature, sent the order along the grape vine to leave him on the side lines.

Why, in that same county in Indiana the party bosses had the nominations distributed from six to ten years in advance. It was well understood that Jones from Jackson township would receive the nomination for sheriff this year; Brown from Butler township two years hence; and Smith from Monroe township two years later. The party members were practically left out of the picture. They were not choosing the candidates. The leaders were naming them and using the nominations for trading purposes.

HOW THE MACHINE OPERATED

If you want an illuminating and interesting evening with practical political processes, and particularly with nominating methods, I would suggest the reading of Tom Platt's Autobiography. Note how he introduces his chapters with "How I Nominated Odell for Governor" or "How I made Roosevelt Vice-President." You will recall that Platt sent his emisaries out to Montauk Point, where Roosevelt had just arrived with his famous Rough Riders from Cuba, to offer the Colonel the Republican nomination for governor of New York. This was weeks before the convention met. Roosevelt accepted, was nominated and elected. Then after he had served for four years as governor and had broken most of the political china in Platt's well-stored shop; Platt decided, long before the national Republican convention met, that he would get rid of Roosevelt by having him nominated as the Republican candidate for vice-president.

Platt tells in his autobiography of Roosevelt's resistance to the vice-presidential nomination and relates the conversation that took place between the two on the eve of the convention. Roosevelt, protesting vigorously, declared that he did not want the nomination because the people wanted him renominated for governor of New York. "But you cannot be renominated for governor and you are going to be nominated for vice-president" replied Platt.

"*I* cannot be renominated?" retorted Roosevelt.

"No," replied Platt. "Your successor is in this room," pointing to Chairman Odell. And even a Roosevelt succumbed. The people who chose the delegates to both the state convention and the national convention had not been consulted in this one-man decision.

Charles Evans Hughes stated it clearly and accurately while Governor of New York, when he said:

> In practice the delegates to these conventions are generally mere pieces on the political chess board, and most of them might just as well be inanimate so far as effective participation in the choice of candidates is concerned.

Chauncey M. Depew, in a reminiscent but unguarded moment, speaking at a reunion of political leaders in the famous "Amen" corner at the old Fifth Avenue hotel in New York just before it was torn down, stated the facts even more forcefully:

> During the quarter of a century more men in the state and nation consulted with Thomas C. Platt in this corner than in any other place. Here were made governors, state senators, supreme court judges and members of congress. State conventions would meet at Rochester, Syracuse, or Saratoga; but the eight hundred members would wait before acting to know what had been decided upon in the "Amen" corner.

This is typical of what was going on in party conventions in nearly every state of the Union; except that in most states public opinion was less consulted than in New York where the political parties were more evenly balanced. The chief reason why the bosses dared thus to dominate nominating conventions at that time was the fact that when they had named a ticket they were able to lock the door and throw the key away. Under the law no other candidate could get on the party ballot at the election. Is it any wonder then that honest voters revolted against this form of political tyranny and demanded that instead of delegate conventions for choosing party candidates, they should be chosen at a primary by the direct vote of the members of the party?

THE PRIMARY

So the political revolution which began in Ohio and Pennsylvania, by the adoption of primary laws, spread rapidly until by 1900 a large majority of the states had substituted direct primaries for the convention plan of nominating candidates.

The political reformers were sincere in the belief that they had at last put the control of party nominations back into the hands of the people and all would be well in the future. The party regulars insisted, and with much show of reason, that the people were adopting a plan which was totally at variance with the theory of a republican or representative form of government. Such arguments however theoretically sound, were not convincing in the face of the actually unrepresentative character of the party convention and the stifling of public opinion by the party leaders who controlled the conventions.

The primary has now been in practical operation for a quarter of a century. In examining its record over the past twenty-five years, we must admit that at no time has it accomplished all that its advocates claimed for it. It has brought no millennium in politics and the bosses seem to keep in the saddle as comfortably as before. Not even the primary's most enthusiastic advocates will maintain that the nominees are, on the whole, much more satisfactory than under the convention plan. And its opponents stoutly declare that the quality of candidates, executive, legislative and judicial, has been distinctly lower than under the convention system. In fact so much dissatisfaction has been developed that a few of the states have already returned to the convention plan; and in others a return is being vigorously advocated even by the independent press.

DEFECTS OF THE PRIMARY

What are the more serious charges that have been made against the direct primary?

In the first place, it has increased the voter's burden. This cannot be denied, but the trouble was that when it was substituted for the convention plan it was not accompanied by the short ballot. The voter, who formerly had been asked to elect 20 to 40 officers from the list of candidates of two or three parties, was now asked to nominate candidates for these 20 to 40 officers from a dozen or more candidates for each office. The ballots in the 1916 Chicago primaries contained 1873 names—between 400 and 500 names on each party ballot—and the voter was asked to select candidates for 51 offices. The Indianapolis Republican primary ballot of 1926 contained 134 names for 36 offices. The two Ohio ballots in the August primary in Cuyahoga County contained a total of 240 names for 48 offices. That is an impossible task to impose upon a conscientious voter who has to make a living in addition to performing his civic duties. The direct primary, instead of lightening the voter's burden, has more than doubled it. He should be asked to vote only for those offices which *ought* to be elective.

The short ballot should have preceded the direct primary. If we had in this country the English short ballot, where the voter is required, one year to select, from a list of three or five names at most, his representative in parliament; and the next year, from another list of three or five names at most, his representative in his city or borough council, then the voter could perform his electoral task intelligently and he would not feel each time that he is going up a blind alley and voting merely for a lot of names. The adoption of the short ballot would make the primary a sizable job for the voter.

WEAKENS PARTY RESPONSIBILITY

Another charge against the primary system is that it weakens party responsibility. To my mind this is its most serious defect. Whether we are strong partisans or not, we must admit that popular government is not possible without political parties; and any influence which weakens the responsibility of political parties to that same extent weakens the efficiency of the administration of popular government. Before our election process is in a really healthy condition, we must restore to our political parties the right to select their own candidates. When the direct primary took away from the political parties the right of the organization to choose the candidates which they were expected to support, the people were treating the patient by bleeding it—thinking that by depriving the party of its responsibility, it would be restored to health. The practice of bleeding is no more applicable to political parties than to individuals. The principle is quite as well established in politics as it is in ethics and business that authority must always accompany responsibility. But the primary does not prevent the political parties from holding preprimary conventions for adopting platforms and naming party candidates. All that the primary asks is that the party voters have the final decision as to party candidates.

Another defect of the primary, which really grows out of the one just discussed, is the emphasis which it places on political personalities rather than political parties. The popular individual, however incompetent, or the candidate with plenty of money, can enter the race in the primary and in 50 per cent of the cases will win. As a result, we have had such political catastrophies as an auctioneer and vaudeville artist as mayor of Indianapolis; a brick mason as mayor of St. Louis; a cow puncher as chief executive in Chicago; and a street car motorman as mayor of New York,—no one of whom would likely have been named originally by a responsible party convention. An even more distressing result of the primary system to many is the lowering of the dignity of the bench and the courts of justice by the nomination of men who, through appeals to racial or religious prejudice, are named in a popular primary and elected to administer justice without prejudice.

To my way of thinking there can be no greater danger to the ultimate success of democracy than the substitution of mere political personalities for the orderly and consistent direction of government by responsible political parties. When we substitute loyalty to a personality, for loyalty to a political faith, then we are on the road to a dictatorship. That is one reason why thinking men and women should support the principle of sound party responsibility. This is always on the assumption that the political parties will rightly assume their responsibilities.

Another charge against the primary is the absence of any compelling incentive for the party leaders and workers to get together in local or state meetings to discuss the welfare of the party and to adopt a platform of principles and policies. One of the chief functions of a party is to name and support candidates for public office. Frequent gatherings of party representatives, both local and state, furnish the opportunity to discuss party problems and to secure the point of view of other localities and sections of the state. This desirable feature of party activities has been largely lost under the primary. While these gatherings would still be justified under the primary with a preprimary convention they simply are not called by the party leaders unless required by law. Then they are largely perfunctory.

Still another criticism which is offered is the fact that only a small minority of the voters go to the primaries and aid in the selection of candidates. The primary vote is usually less than 50 per cent of the vote cast at the election. What we need to do first is to remove the unnecessary burdens of the long ballot and frequent registration from the shoulders of the voter, make his task a sizable and important one, and he will be far more likely to exercise his electoral franchise.

There are other minor criticisms, some sound and some not, which are laid at the door of the primary. It is charged that the primary is an added expense. That criticism, however, does not seem to be well founded because when all the costs of the old convention were added up, it was probably quite as expensive as the primary. The only difference is that the primary bill is paid from taxes directly, while the convention bill was paid indirectly by the public.

It is also charged that the primary results in newspaper, rather than party, nomination. It is quite true that the newspapers do have greater influence under the direct primary. But as between the enlightened sense of public responsibility on the part of our influential newspapers, and the control of the convention by the party boss through the distribution of patronage, the public interest will, I believe, be better protected by the newspaper.

THE OLD CONVENTION IS GONE

No, the party primary has not worked as well as its advocates prophesied. In fact, in many states, it has "*been worked*," until many less serious minded citizens declare for a return to the convention without reservation; and the active party leaders naturally long for it, as a thirsty man longs for the old oaken bucket that hung in the well. In fact, someone has transposed that longing into these words:

How dear to my heart are the old time conventions,
When fond recollections present them to view.
The proxies, the slates, the deep tangled instructions
And every loved trick that our politics knew.
The speeches, the motions, reports of committees,
The ayes and the noes, and the gavel that fell,
The caucus at midnight, the saloon open by it.
And e'en the old growler that ne'er saw the well.
The old time convention, the hand-picked convention,
The boss ruled convention that served him so well.

That kind of a convention is gone—never to return. The direct primary, in my opinion, is here to stay. The independent newspapers and the enfranchised women will never sanction a return to the old iron-clad, lock-the-door-throw-the-key-away party convention. So what are we going to do about it? Being a believer in the party convention, I have frankly pointed out to you what its past failures have been and what its inherent defects are. Being a firm believer in the direct primary, I have also frankly pointed out its failures and its defects.

You are, no doubt, wondering how I am going to answer the question which was announced as the subject of my remarks: "The primary or convention. *Which?*" My answer is; "Both"—both the preprimary party convention and the direct party primary—because it is only by the combination of the two that we are going to restore party responsibility and yet keep the control of party policies and nominations in the hands of the party members.

The primary places a weapon in the hands of the party members which they can use with effect in case of need. They are no longer helpless as they were under the old convention system. The very fact that the party members retain a veto will lead party leaders in party conventions to make nominations which, on the whole, will be more satisfactory to the party members.

Those of us who believe in party responsibility in public affairs and in representative government should urge the enactment of election laws which will provide; *first*, for a pre-primary party convention of delegates, duly chosen by party members. This convention should be held sixty days before the primary at which party candidates are to be nominated. *Second*, for party nomination by petition signed by party members which must be filed thirty days before the primary. If there are no petitions filed, it will indicate that the party convention was a representative body and that the party members are sufficiently well satisfied with the nominees not to protest by naming opposing candidates. If no petition candidates are named, then a primary could be dispensed with for that year. If they are named, then all names, convention and petition candidates, would go on the ballot at the primary and the choice of the party members would be made by the whole party, and not merely by the party leaders.

A preprimary party convention, followed by the primary, will not only strengthen the party organization and keep it responsive to the public opinion of party members; but it will, in my opinion, more nearly maintain the representative character of our institutions than any method of nomination yet adopted or practiced in this country. In a republic, no method of nominating candidates for public office can long survive after it has lost its representative character. The party convention without the right of party members to name other candidates soon results in an unrepresentative system of nomination. The preprimary convention and the primary will keep the nominating system representative.

THE FATE OF THE FIVE CENT FARE

II. TORONTO UNDER MUNICIPAL OWNERSHIP

BY GEORGE H. MAITLAND

Municipal Editor of The Toronto Star

Mr. Maitland is frankly an enthusiast for public ownership of public utilities, and here tells the story of a publicly-owned street railway in a city where nearly all the public utilities are owned by the people. Five years ago a private company was serving half the city of Toronto at an average fare of 3.9 cents. To-day a city commission is giving service throughout the whole city, with universal transfers, at an average fare of 6.15 cents. :: :: :: :: :: :: ::

Toronto, with a population of 560,000 and an area of 35 square miles, is served by a city-owned street railway operating at a cash fare of 7 cents, minimum adult ticket fare of 6 cents and average fare of 6.15 cents, with universal free transfers anywhere within the city limits. The system is operated by the Toronto Transportation Commission (T. T. C.), composed of three unpaid commissioners appointed by the city council. The commission is required by statute to charge a fare that will meet all expenses, including adequate reserves; in other words, to give service at cost. The adult day fares are the same as have been charged since the commission took over the road in September of 1921. Since that time it has been able to operate at a small annual profit, has reduced night fare and school children's fares, and has greatly extended its car lines and bus services.

There is no further reduction of fares in sight. A change, if one comes, will probably be in the direction of making the ticket fare of 6 cents available to those who buy tickets in smaller quantity than fifty. They now pay 6.25 cents. The night fare is 10 cents cash, as compared with 15 cents before the commission's reduction. Children 51 inches in height and under, but not in arms, are carried at 10 tickets for a quarter, or 3 cents cash. School children under 16 years are granted 7 tickets for 25 cents.

The fares now charged under public ownership are for an excellent modern service covering the whole city. As indicative of present conditions, it may be said that there is not an untidy carhouse or loop on the system, and the esprit de corps of the organization has shown a decided improvement. Prior to September of 1921 the Toronto Railway Company, under private ownership, served only half the city (the central half in which four-fifths of the people lived) at a cash fare of 5 cents, with rush-hour tickets eight for a quarter, and an average fare of 3.9 cents. Service, roadbed and equipment were wretched. The company, though putting nothing aside for reserves, was showing an annual loss approaching half a million dollars during the last years of its franchise. It had short haul and density of population in its favor, yet lost heavily on third-rate service at 3.9 cents. The public ownership commission has doubled the area of service, installed one of the best systems on the continent, and shows a profit at 6.15 cents after the most ample provision for reserves has been made. Substantial payments have also been made towards debt reduction, so that the fare not only pays for the ride, but contributes towards paying for the property.

CITY REVENUES REDUCED

Comparisons, however, must be modified by the factor of taxation. The Toronto Railway Company, operating under an agreement dating back to 1891, was not only prevented from raising its fares, but was forced to pay mileages, percentages and taxes to the city. The percentages were based on a sliding scale according to traffic, running up to a maximum of 20 per cent. As this maximum had long since been reached, one fifth of every *new* dollar of Toronto Railway Company revenue finally went to the city, together with the lower percentages on longer established traffic. In percentages, mileages and taxes, the company was paying Toronto $1,500,000 per year in the final period of its franchise. This money the city no longer gets. It derives perhaps $70,000 per year from taxes on the Transportation Commission's land.

On the other hand, the city was obligated by the Toronto Railway agreement to lay and maintain foundations and pavement for the company's tracks, and this cost the municipality hundreds of thousands of dollars annually. The T. T. C., on the contrary, lays its own foundations, but is allowed a rebate on the pavement equivalent to the cost of adjacent paving. The city also rebates 75 per cent of the pavement maintenance.

These factors make comparison somewhat difficult. But it is illuminating to state that while Toronto has to-day one of the very best street railway systems in North America, Detroit and Cleveland appear to be the only two with a lower fare among 24 cities of over 250,000 population in Canada and the United States which are served by single systems. And in these two cities the fare is less than a quarter of a cent below Toronto's. A 10 cent cash fare is not an uncommon rate to-day.

To understand the situation in Toronto, it is necessary to remember that the capital of Ontario affords an outstanding example of publicly-owned public utilities. It is somewhat aside from the purpose of this article, but of importance nevertheless, to point out that in pre-war days Toronto was served by five electric railways, three active distributors of light and power (besides some of the railways), three steam railways, three express companies, two telegraph companies, a gas company and the Bell Telephone Company, *all privately owned*, besides a municipally-owned waterworks and the Hydro (municipal) electric system. These figures do not include the multiplicity of holding and allied companies which private ownership so often entails. But instead of the eighteen privately-owned concerns which I have listed, there are to-day only five. All Toronto's public utilities are now in the hands of the people, with the exception of the Canadian Pacific Railway (with its express and telegraph companies), the Bell Telephone Company and the Consumers Gas Company. And in the gas company the city has stock, with a limited rate control.

Ownership by the people involves, in some of these cases, municipal or municipal-partnership control; in others (the national railways, express and telegraphs), federal control. Including a civic abattoir and housing project not listed in the foregoing paragraphs (and excluding, of course, the federally-owned enterprises), Toronto herself has assets in the form of municipally-owned services which easily total $110,000,000 in value and represent an even greater capital investment. That is a story in itself, but I have summarized it here because it is necessary to an understanding of the street railway situation. The municipalization of all the street railways in Toronto has been a part of the great movement towards public ownership which has swept over the city during the past fifteen years.

THE CHANGE IN OWNERSHIP

With this glimpse of the general picture, with the T. T. C. "sitting pretty" in the foreground, it may be helpful to recall the situation seven years ago, when The National Municipal Review presented a series of articles dealing with "The Fate of the Five-Cent Fare" in a number of the larger cities of the continent, including Toronto.

At that time Toronto was served by the Toronto Railway Company, which had a monopoly in the older part of the city; by the "city ends" of three radials under the same control as the central system, but not invading its territory; by the city portion of a fourth radial, and by four city-owned local car lines —all in the outlying sections. The Toronto Railway served only half the area of the city because the courts had held that it need not extend its routes beyond the limits as they were in 1891 when its agreement with the city had been made. The civic lines had been established to give service where the Toronto Railway had declined to do so. They were, for the most part, a series of disconnected spurs.

Such were the conditions when, seven years ago, I was asked to discuss the future of the five-cent fare in these columns. I answered that there was no such fare to discuss. The Toronto Railway Company was serving half the area of the city at an average of 3.9 cents, but the various supplementary systems increased the total fare to as high as 14.17 cents, and necessitated many car changes for passengers traveling from one outer portion of Toronto to another, a journey which now costs only 6 cents. I prophesied, however, that the Toronto Railway, even with its operations confined to the central thickly-populated territory, was bound to lose money. In the next two years it went behind fully a million dollars. The civic lines in the outskirts, and the city ends of two radials were also losing money. In the post-war years of peak costs, the various street railways of Toronto fell upon evil days.

Under these handicaps, in September of 1921, the Toronto transportation commission took over the Toronto Railway and civic lines, co-ordinating them finally with the city sections of the Metropolitan radial, Mimico radial, Scarboro radial and Toronto Suburban which were later acquired—thus wiping out every privately-owned electric railway in the city, and producing one unified all-city system, with single fare and universal transfer.

THE CITY PAID DEARLY

The arbitration by which the Toronto Railway passed into the hands of the city was one of the lengthiest and most costly in the history of electric or steam railways. It ended finally before the judicial committee of the privy council in England, and the costs of city and company mounted up to about $2,500,000. The price the city finally paid for the road—the central system only—was in the neighborhood of $12,000,000. But for years the company had permitted its tracks and rolling stock to deteriorate, and its value for incorporation in the up-to-date, all-city system was hardly more than $7,000,000. This, and the amounts paid for other properties acquired, account for the following statistics, as of December 31, 1925:

T. T. C.'s real physical property . .	$38,717,000
Intangible assets, representing no physical property	6,119,092
Present debt of T. T. C.	43,020,054

These figures give some idea of the financial handicap under which the T. T. C. has had to operate. It inherited a series of run-down disconnected roads (some at different gauges); it was forced to assume the burden of a capitalization which their condition did not warrant; and all this meant the rebuilding and re-equipping of the lines at a period of high costs, in addition to the initial payment out of all proportion to value.

It is in the face of these difficulties that public ownership has given an all-city service at an average fare of 6.15 cents, has paid high wages, has made numerous extensions, has laid aside ample reserves, and has achieved an annual surplus. The reserves are approximately $8,000,000, of which $2,400,000 represents accumulation for redemption of debt.

REJUVENATING A RAILWAY

To illustrate what has happened, it may be stated that the Toronto Railway and other lines now incorporated in the T. T. C. system had a mileage of 177 miles. The T. T. C. has made 50 miles of extensions, and is now operating 227 miles. But in addition to extensions, it has had to rebuild 54 miles of track and partially rehabilitate 55 miles.

The city commission built a large repair shop at a cost of $2,000,000; rebuilt or enlarged four carhouses, built one new carhouse and abandoned one.

It purchased 575 new steel cars, abandoning as useless 482 of the 830 Toronto Railway cars which the city had been forced to buy. The 348 cars which it retained, it rebuilt into modern types such as treadle cars. It has now 992 cars in service, all efficient and of modern design. These fine cars, operating over a splendid roadbed, afford a contrast to conditions under private ownership when (as late as 1921) some of the trailers used were slightly-altered horse-cars, dating back to the '80's, and when many miles of track were under condemnation of the courts as dangerous and unfit for use.

But the T. T. C. has had other difficulties to face besides those of excessive capitalization and the necessity of "scrapping" assets. It has had to face a considerable reduction in the total number of passengers carried, coupled with an increased traffic at evening peak hour. The decrease in total traffic has been due to industrial conditions and the use of private motor cars. The increased traffic at evening rush-hour has been due to the growing tendency to release all labor at 5 or 5.30 P. M.

The difficulties involved by this heavily accented evening peak may be illustrated by the fact that the T. T. C. has 150 cars or trailers costing $2,000,000 which make only one trip per day five days per week, because by the time they could get back downtown again to pick up more passengers, the load would be "lifted" and the rush-hour over. There is, as in all cities, severe crowding when the peak is at its worst, but 70 per cent more seats are offered on the T. T. C. during evening peak hour than were available on the Toronto Railway. The publicly-owned system gives adequate service in an area of 35 square miles where the Toronto Railway gave inadequate service in an area of only 17 square miles. As an illustration of present conditions, it may be noted that the most lightly-traveled routes in the most remote part of the city at the hours of least traffic have a car at least every six minutes.

In addition to the railway lines which it operates, the T. T. C. has feeder bus lines in several outlying parts of the city, operated at no additional fare. The longest ride on the system is 12.1 miles for 6 cents; the longest non-transfer ride is 10.04 miles.

Yet fewer people are riding on this enlarged and improved system than rode on the Toronto Railway six years ago. In 1920 there were 198,137,317 fares on that road, and 35,000,000 (mostly the same riders) on the civic lines which served the outlying parts of the city. In 1925, on the other hand, the all-city system carried only 180,779,940 passengers. It is to be remembered, however, that Toronto is a city with a high percentage of motor owners, and that the habit of "picking up" neighbors and taking them downtown has been highly developed. Even so, Toronto's annual riding habit on the T. T. C. (revenue rides per capita) is 342—equivalent to nearly the city's population each day—which I think will be found higher than the riding habit of Montreal, Cleveland, Detroit, Baltimore, Winnipeg, Pittsburgh or Philadelphia.

PUBLIC OWNERSHIP WAGES

I have already pointed out that the T. T. C. has made its favorable showing in Toronto despite triple handicaps: (1) The inflated price it was compelled to pay for run-down properties by a court decision; (2) The necessity of rebuilding and re-equipping the whole system at a period of high prices; (3) As compared with United States systems, the high cost of material and equipment in Canada. It should be added that the Toronto commission has also made its success while paying its men good wages and giving them favorable working conditions. While reductions have been made in trainmen's wages since the peak in 1920 in practically every large railway in Canada or the United States, the T. T. C. has continued to pay its experienced operators 60 cents an hour (with an extra 5 cents for one-man operation), and has greatly increased the comfort in which they work. Every operator is guaranteed a minimum of 6 hours work per day, but the majority work on an 8 hour basis.

The men are practically all Anglo-Saxons (43 per cent of the car crews are returned soldiers), and the majority own their own homes, living, as they do, in a city where over 60 per cent of the homes are owner-occupied.

To continue the payment of good wages to these men out of reasonable fares, despite the handicaps outlined, the commission has had to make many economies. Some of these involved large initial expenditures. But they are paying for themselves. It is possible to save money by spending money. There is, for example, a substantial financial advantage in running modern cars at good speed over a fine roadbed, rather than rickety cars more slowly over a down-at-the-heels roadbed. And there is also a financial advantage in having a modern shop in which to repair them. How an investment will sometimes pay for itself is illustrated by the fact that maintenance costs in the old shops in 1922 amounted to $1,146,641, while in the new shops in 1926 they will be only $700,900. There is a still further advantage in storing cars in modern sprinklered premises, or in the open, for the insurance is substantially lower. I have here listed the result of these and a number of other economies on the T. T. C.:

1. The T. T. C. has obtained its capital at 4.68 per cent. Private companies issuing bonds would have difficulty in obtaining money as cheaply.

2. By erecting new repair shops, the T. T. C. has reduced its maintenance cost from 4.32 cents per mile in 1922 to 3.35 cents in 1925, and (estimated) 3.02 cents in 1926.

3. Superior equipment and superior facilities for repairs have reduced car failures in service. The average mileage operated per car before requiring removal from service for repairs, increased from 1,100 in January of 1923 to 6,100 in August of 1925.

4. Installation of electric switches has saved approximately $16,000 per year.

5. Increase of speed from an average of 9.13 miles per hour in 1922 to 9.69 miles per hour in 1925 has saved $183,000 per year.

6. The Toronto Railway Company paid $95,928 to carry $9,952,500 of insurance in 1921. In 1925 the T. T. C. paid only $46,935 to carry $22,350,000 of insurance. The saving for the latter amount of insurance is $215,000 per year.

7. The T. T. C. has averaged an expense of less than 1 per cent of gross revenue for all injuries and damages. The average of American electric railways is nearly three and three-quarters per cent. Since September 1, 1921, the T. T. C. has carried 1,222,000,000 passengers and run 125,000,000 car miles without one fatal accident to a passenger.

8. The use of 140 one-man cars (out of 992) has saved approximately $300,000 per year.

The Toronto system has reduced its operating and maintenance expenses from $8,468,841 in 1922 (when it had inadequate facilities) to $7,390,000 in 1925. The moral seems to be that it pays to use modern cars, to keep roadbed in good shape, and to provide adequate facilities for repairing rolling stock. All these things not only save money, but give the car operators a sense of pride in their system. In that connection an interesting psychological experiment was tried in Toronto. Large mirrors were placed at the entrances of car barns where the men could hardly help seeing themselves. An improvement in neatness was at once noted.

OTHER T. T. C. ACTIVITIES

I have pointed out that the T. T. C. serves the whole of Toronto at a single fare with universal transfers. It is, indeed, the largest operator of buses and electric cars in Canada. It maintains, during the winter months, an extra fare de luxe coach service between the downtown section and one of the wealthier districts. This experiment has attracted many passengers who would otherwise use their own motor cars.

The commission has also gone into the sight-seeing business, and has 15 sight-seeing coaches available for visitors to the city, each with a capacity of 29 passengers. In addition it has 25 standard coaches of similar capacity and two somewhat smaller vehicles—all for the use of picnickers and other parties going out of the city. These coaches travel to points all over Ontario and are chartered to handle as many as 3,000 picnickers in a single day. In July of this year a daily coach service to and from Niagara Falls was inaugurated.

The commission is also operating street railway lines outside the city for the township of York and town of Weston. These are run at an additional fare, and their finances are separate from those of the city system. The city owns 97 miles of interurban lines, known as the York radials, which have been operated for it at a substantial loss by the provincial Hydro commission. Negotiations are under way to transfer these, as well, to the T. T. C., which can give them entrance to Toronto and effect numerous economies. But their finances are to be kept separate from those of the system which serves the city. When these new duties are added to the city commission's present activities, it will be operating the following mileages of publicly-owned rail and bus routes:

	Single Track Miles
City street railways	227
Buses (included in city fare)	18
Coach route in city	8
Township and Weston lines	16
York radials	97
	366

This will constitute the second largest street railway system in North America under one public-ownership management. And if the success hitherto achieved by the Toronto transportation commission is continued as its responsibilities increase, Toronto will have no reason to repent its bargain. But I would make one proviso. The system must continue to be free from political interference. That was the principle laid down by General Manager H. H. Couzens, who established it, and by his successor in office, D. W. Harvey, and the commission charter provides that no member of the city council can serve on the commission. The commission's only contact with the city council is for the provision of capital funds.

It is vital to the system's success that this aloofness from municipal politics should be maintained.

THE PERMANENT REGISTRATION SYSTEM OF BOSTON[1]

BY JOSEPH P. HARRIS

Permanent registration in Boston is successful but unnecessarily expensive. Police listing helps. :: :: :: :: :: :: :: :: :: ::

Boston has had permanent registration longer than any other large city of this country, the present system of registration dating from 1896. Even before this, however, Boston had permanent registration. The system has been so successful that public officials and others interested in improving registration, or in securing permanent registration, have gone to Boston to study the system there.

Registration in Boston is unique in several ways. The outstanding merit of the system is the convenience to the voter, who, once registered, is not required to register again as long as he continues to reside in the city. When he moves he is automatically transferred from one address to another without any bother on his part. This is accomplished through a listing of all adult residents annually. Elections in Boston are practically free from voting frauds of all kinds. However, the system of registration, while convenient to the voter and free from voting frauds, is not economical in its operation, owing to the use of an obsolete system of records.

THE ORGANIZATION

At the head of the election and registration machinery is an election commission, consisting of four members, divided equally between the two major political parties, and appointed by the mayor for overlapping terms of four years. Appointments are largely personal with the mayor, instead of being dictated by the party organizations. The election office is not run by the party machines, as is the case in most other large Eastern cities. The mayor is not required to appoint from party machine nominations.

The chairman of the board receives a salary of $6,000 annually, and the other members are paid $5,000. All of the members at present devote practically their entire time to the duties of the office, though this is not required by law, and the full time attendance of the members of the board is not especially desirable. The chairman of the board has served continuously on the board since 1900, and was connected with the office for some years prior to that time, but the other members were only recently appointed.

The board is given rather wide powers. In many matters, such as the time and places of registration outside of the central office, they have full discretion. They also serve as jury commissioners, and select the jury panels.

There are forty-four permanent employees in the election office, but there is no chief clerk, or outstanding person in charge of the routine of the office. There are five clerks of a supervisory character, but each of these clerks has charge of a department, the board itself supervising the entire office. The office force is now selected through civil service, though there is still the requirement of equal division between the two major political parties, and appointments are made from the three highest persons on the eligible list of the political party which is entitled to the next appointment. Quite a number of the present employees, however, were brought into the service before the extension of the merit system to the office.

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[1] Mr. Harris, who has spent the past year studying registration systems in the United States, contributed an article on registration in Milwaukee for the October, 1925, Review and one on San Francisco published in the issue of last April. Further articles on New York City and Omaha will follow in the near future.

The salary scale of the office force is fixed by the city council, and is comparatively low. There are three positions paying $2700 annually, two paying $2500 annually, and the remaining positions pay $2000 annually or less. The entrance salary is $1500 annually, with an automatic annual increase of $100 up to a salary of $2000, but there is no further increase except through promotion to one of the supervisory positions. The permanent office force does all of the work of the office, the amount of extra help employed being negligible.

There are two assistant registrars appointed for each of the twenty-two wards, who serve during the ten evening sessions for registration in the wards. They are divided equally between the two major political parties. Appointments are made largely upon the personal requests of the members of the board. The compensation paid is five dollars per evening.

REGISTRATION RECORDS

The system of registration records is obsolete, clumsy, and involves a large amount of clerical work in the central office. Strangely enough, the original registration record itself is about the least important part of the system. When the voter registers, the data required is recorded in a bound volume. The volumes are not kept by precinct, but by wards, and at any particular time there are a number of volumes, or registers, for each ward. Registrations are recorded in these in the order of the appearance of the voter. The registers are of the conventional type, with the record of the voter spread upon a line running across two pages, and recorded in columns. The information contained in the registers consists of the following: date, precinct, line no., page, name, signature, residence on April 1st, other designation of residence, occupation and place of business, place of birth, term of residence in the city, age, height, present residence.

After the registration is made the various data is copied on a card, which contains headings and spaces for the identical information. No further use is made of the original register, except in rare instances where some legal question arises about the registration of a voter. The registers are kept in the main office of the election board, and are never sent out to the polls on the days of election. No use whatever is made of the signature contained on the original registration record. When registration is conducted in the ward offices, one or two volumes of the ward register are sent out, but there are also other volumes for each ward kept at the central office so that the voter may register at either place.

The most important registration record consists of the printed list of voters for each precinct, which is used as the precinct register at the polls. Each year the central office makes up a street list of voters for each precinct, which is printed and constitutes the precinct register. There are two types of printed lists, known respectively as the "descriptive" and "non-descriptive" lists. The "descriptive" list contains the name, address, party affiliation, term of residence in the city, age, and height of the voter. The "non-descriptive" list is printed from the same type, but before being bound, the items of length of residence, age, and height are cut off. The "non-descriptive" list is the one that is made available for public distribution, and the "descriptive" list is used at the polls as the official register.

These lists each year are prepared by taking the printed lists of the preceding year and correcting them up to date. The printed lists of the previous year are pasted into a set of large books prepared for the purpose and corrections are made by erasing the names of voters whose registrations have been cancelled, and by making notations to take care of new voters and transfers. The office does not maintain any official registration record arranged in the same order as the printed list of registered voters. The original register is entirely unworkable, except simply as a record of registrations which have been made. The registration cards made out for each voter are arranged alphabetically for the entire city, and thus constitute an index of the registered voters, but the cards are not withdrawn for cancelled registrations, and the index contains much dead weight. It is of little use, except as a history card. The voting record of every voter is recorded on the card, which takes up the time of the office force during the slack season.

PROCEDURE OF REGISTRATION

Registration is conducted at the main office of the board throughout the year, except twenty days prior to an election, when it is closed. During the slack months the board has restricted registration to Mondays only. For about ten days prior to the close of registration evening sessions are held in the various wards from six until ten o'clock. The sessions are moved around to several different places in the ward during the period. It is estimated that about thirty percent of the total new registrations are taken in the wards and the remainder at the central office. The ward registration is conducted almost exclusively in school buildings.

There is no absentee registration. Since registration is permanent and may be made practically throughout the entire year at the main office, it is not necessary. Massachusetts has a literacy qualification for voting, which has been in effect since 1857. The applicant for registration must prove his literacy by reading an excerpt from the state constitution, printed on cards for the purpose. No difficulty is encountered in administering the literacy test, either at the ward offices or at the main office. Naturalized citizens are required to produce a record of their naturalization.

THE POLICE LISTING

The most interesting and suggestive feature of the registration system of Boston is the system of listing all adult residents during the first week of April of each year, which is done by the police. This takes the place of the canvass of registered voters used in other large cities. The police listing really amounts to a census of all residents over twenty years of age.

Most of the work is done by the day patrolmen, though some of the night patrolmen are also assigned to the work. Each patrolmen is assigned certain territory, which frequently falls within his own beat. He is required to go from house to house to make a list of all adult residents. Each resident is listed upon an individual card, which contains spaces to record the name, address, address on April first of the preceding year, probable age, suite no., male or female, name and address of informant, and number of the officer.

A remarks space is provided for additional notations. The patrolman is required to secure the information from some responsible person from every house or suite, where possible, but he is not required to see each resident in person.

The work is very thoroughly systematized and checked. A master file of green cards has been prepared, covering every building in the city. These cards are checked out to the patrolmen, and reports are required for each building. Each census is made anew, without any regard to the listing of the preceding year. The supervisory police officers check in the resident and building cards and inspect them at the time to see that they are filled in properly. Lieutenants or sergeants are assigned to cover lodging houses or places where difficulty is anticipated in making the listing.

The listing is usually completed within a week. The time required to conduct the listing in 1924 is indicated in the following table:

Number of Policemen Employed in Listing[2]

April 1	1,288
2	1,260
3	1,106
4	705
5	333
7	14
8	4
Total policeman-days	4,712

After the listing is completed, the cards are assorted by streets and numbers and turned over to a private firm to have two longhand written copies prepared. One copy is sent to the printer and "A List of Residents" is printed for each precinct. The other copy is used by the election office to check against the registration list.

All registered voters who are listed at the address from which they are registered are continued on the registration lists. The registration of voters who have moved is transferred to the new address without any request from the voter. Eighty-six percent of the registered voters are retained on the registers after the listing is made. Voters who are not listed are notified through the mails, and after sufficient time has passed, their registration cancelled.

The listing of adult residents is also used to check up on the residence of newly registered voters. Before any applicant is registered the list of residents is inspected to ascertain whether the applicant was listed. A person who has not been listed is required to make an application for special listing, and these applications are turned over to the police for investigation. In 1924 some nine thousand persons were thus listed upon special application. Some of these were missed in the regular listing, while others moved into the city after the date of the census.

The advantages of the police listing, as used in Boston, over the conventional canvass of registered voters made by the precinct election officers, are: first, it is made by responsible officers, who are subject to discipline, and have a position to lose for failure to perform the work; second, it is closely supervised; third, the patrolmen are not selected by and subject to the orders of the precinct party captains; fourth, the system of making a census of all adult residents makes possible an easy check upon the completeness and accuracy of the work of the field officers and fifth, it makes possible the automatic transfer of the registration of voters who have moved.

No charges of partisanship are made against the police department. In some cities it might be unwise to place this work in the hands of the police, but in Boston it works very well. The same system of listing all adult residents may be operated with other officers, however, without the use of the police.

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[2] Report of the Police Commissioner, 1924, p. 15.

COST OF REGISTRATION

The cost of registration in Boston is high in comparison with other cities having permanent registration. The largest item is that of the office force. The obsolete system of permanent records makes it necessary to have a large office force to perform the clerical work involved. The cost of registration alone in 1924 was $143,739.36, or 58 cents each for the 247,636 registered voters, while the cost of the police listing, exclusive of the time of the patrolmen, was $61,936.32, or 25.8 cents per registered voter. The total annual cost of registration and police listing per registered voter in 1924 was 83.8 cents. There is only a slight variation from year to year.

This is an unusually high cost for a system of permanent registration. Most other large cities with permanent registration have an average annual cost per registered voter of from ten to twenty-five cents. The principal items of the cost of the police listing are the preparation of the printer's copy and the printing of the lists, which might well be eliminated. The printed lists of residents are of little use in registration.

FRAUDULENT VOTING

There are no charges of fraudulent voting in Boston, not even in the lodging house, transient section of the city. There are two explanations which may be offered: first, party machines, in the ordinary sense of the word, have broken down in Boston, except in three wards which are controlled by strong ward leaders; second, the system of police listing effectively cleans up the registration and prevents votingfrauds. Both factors undoubtedly play a part, as well as a tradition which frowns upon voting frauds.

SUMMARY

The best feature of the Boston system of registration is the police listing. It is more useful and more thoroughly done than the usual canvass of registered voter, and is more effective in preventing padded registration. The police are not charged with partisanship in making the listing. Another good feature is the automatic transfer of the registration of voters upon the basis of the census, without the voter having to send in an application for a transfer, or attend to the matter in person. This makes it possible for the average voter to forget all about registration, after having once registered within the city, regardless of how much he may move. This system affords the highest amount of convenience to the voter.

Permanent registration in Boston is expensive due to the obsolete system of records and the unnecessary expenses of the police listing. The obsolete records are also inadequate for the use of the office, and make it impossible for the original record, including the signature, to be sent to the polls to identify the voter. These are the most serious defects of an otherwise excellent system.

STATE EXPENDITURES, TAX BURDEN AND WEALTH

A REVIEW OF THE REPORT OF THE NEW YORK COMMITTEE ON TAXATION AND RETRENCHMENT[1]

BY HENRY F. WALRADT
Ohio State University

THIS report of the New York Special Joint Committee on Taxation and Retrenchment maintains the high standard of work exhibited in their previous publications. It deals with the development of state activities since 1800 and the increase in public expenditures and taxation since 1850 in the state of New York, delves into the problem of the relation existing between the total amount of taxes collected and the ability of the people to pay, indicates the probable rate of increase in public expenditures in the near future, together with the effect which this may be expected to have upon the tax burden placed upon the people and closes with a reiteration of the various recommendations which the committee has already made relative to improvements which might be made in the New York tax system.

The report is divided into six chapters and four appendices.

The first chapter gives a summary of the important facts brought out in the report and the conclusions reached by the committee.

Chapter two deals with the development of the state activities of New York since 1850. This study shows that most of the functions performed by the state may be traced back to the nineteenth century and that since 1900 state activities have increased primarily in fields previously entered. It may surprise many to learn that the greatest diversification of state activity occurred during the years 1880–1900. The chief reason for the increase in governmental functions is stated to be the change in economic organization resulting from the development of commerce and manufactures. In 1880 the balance of population in New York changed from the rural to the urban districts. The growth of humanitarianism and the development of scientific knowledge were also important factors in bringing increased governmental action.

The third chapter analyzes the growth of public expenditures by functional groups since 1850 and shows the causes of the increase in expenditures. The actual expenditures have been corrected so as to put them on the basis of the 1913 dollar and the committee finds that "*the present volume of state expenditures represents no extraordinary or unnatural change in state development*".

FUTURE TAX BURDENS

Chapter four deals with the past and the probable future growth of the tax burden in New York. Charts and figures are presented showing the growth of federal, state, and local taxes paid in New York since 1850.

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[1] State Expenditures, Tax Burden, and Wealth: A study of the functions and expenditures of the state government and the relation of total tax burden to the income of the people of the state. (Albany: New York State Legislative Document No. 68, 1926, pp. 157.)

Three distinct trends in the average annual rates of growth of taxes paid by New York inhabitants appear as is shown in the following table:

Taxes Levied for	Percentage of Increase for Each Period			
	1850–1880	1880–1910	1910–1924	1850–1924
Federal government	8.3	2.1	24.5	5.9
New York state	11.2	4.5	11.7	5.7
Local governments in New York state	6.8	4.8	8.2	5.5
Total	7.9	3.8	14.8	5.6

A study of this table shows (1) the total burden of taxes has grown at the average rate of 5.6 per cent per annum for the entire period 1850–1924; (2) there has been little difference during this period in the average rapidity with which federal, state, and local taxes have expanded; (3) however, federal taxes have increased more rapidly than either state or local taxes, and the rate of increase for state taxes is slightly greater than that of local taxes; (4) the increase in the period 1910–1924 is principally due to the large increase in federal taxation; (5) the similarity in the rate of increase of state and local taxes in the periods 1850–1880 and 1910–1924 is striking. It should be noted that both of these periods involve a costly war and price inflation.

As for the future the committee concludes that the *rates of increase will within a few years return to the normal rates which obtained during the period 1880 to 1910.*

In the fifth chapter the question is raised as to whether or not the taxes are increasing out of proportion to the capacity of the state to pay. The rate of growth of taxation is accordingly compared with that of (1) population, (2) wealth, and (3) private income. Two other measures of tax burden are discussed (4) the ratio of total taxes to total income and (5) the rate of growth of per capita income.

INCOME AND TAXES

Since 1850 the total taxes have increased on the average three times as rapidly as the population and one and a half times as rapidly as the average rate of increase of tangible wealth per annum in the state. These two measures are set aside, however, as of little value and the rate of growth of income is examined. The following table is presented showing the annual rates of growth of income and tax burdens by periods for the years 1850–1924.

It thus appears that for the entire period (1850–1924) taxes have been expanding $1\frac{1}{6}$ times as rapidly as income. Assuming that the same relative rates of increase could be maintained in the future, taxes would absorb the entire income of the people at the end of three hundred years.

	Per Cent 1850-1880	Per Cent 1880–1910	Per Cent 1910–1924	Per Cent 1850–1924
Income of people of New York	4.2	4.3	8.3	4.8
Total tax bill (federal, state and local)	7.9	3.8	14.8	5.6

However, the report stresses the fact that during the period 1880–1910—the period in which there was no important war nor violent fluctuation in prices—income increased faster than taxes. It also alludes to its former conclusion that the rate of increase of taxes in the future may be expected to approximate that for the period 1880–1910 and calls attention to the fact that since 1920 the average annual rate of increase in per capita income measured in 1913 dollars has been considerably greater than the average which held during the period from 1880–1910.

The next measure of tax burden discussed is the per cent of total income absorbed by taxes. From this point of view the degree of sacrifice imposed upon the taxpayers from 1919 on has had no precedent in the state. Thus the ratio in 1850 was 3.8 per cent and in 1910 it was 7.4 per cent, whereas since 1919 it has been over 12 per cent every year rising to 19.5 per cent in 1921, falling, however, to 12.1 per cent in 1923.

The question is then raised as to whether the ratio of taxes to income is of much value as a measure for comparing tax burdens of different periods of time and the conclusion is that "this ratio taken by itself has in reality small significance". Although other factors than the ratio of taxes to income should be taken into consideration in reaching a final conclusion as to tax burden, the arguments given in support of the above statement are not conclusive.

The first argument is that a given per cent of a small income taken in taxes involves a greater hardship than the same per cent taken from a large income. This point is conceded when the income is so small that any tax encroaches upon the power to purchase the necessities of life. If, however, such a minimum be exempted, no adequate proof has yet been given to show that the sacrifice involved in a proportional tax of all income above such exemption is not equal. The report merely asserts that because of the fact that the average income in New York was only $103 in 1850, whereas it was $952 in 1923, "taxes might well absorb a larger proportion of the taxpayer's income without entailing additional hardship". This statement is subject to two criticisms: (1) It is unfair to use $952 in comparison with the $103 because of difference in purchasing power of the dollar. A fairer comparison would be to correct the above figures by changing them to 1913 values in which case the average per capita income in 1850 would be $114 whereas for 1923 it would be $557.[2] (2) Instead of making a general statement as to the possibility of increased proportion of income being absorbed without entailing additional hardship, it seems more accurate to compare the actual per capita taxes for both years with the per capita income for both years in order that the degree of increase may first be known. The per capita tax in 1850 stated in 1913 dollars was $4.34 whereas the per capita tax in 1923 on the basis of the 1913 dollar was $67.94. In other words, although the average per capita income in 1923 was less than 5 times as large as that for 1850 (based on the pre-war dollar), the per capita tax in 1923 was 15.6 as large as the per capita tax in 1850. Even if the general proposition were conceded that as income increases the sacrifice involved in a given per cent being taken away in taxes is equal, no one would contend that the sacrifice decreases in any such degree as appears here.

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[2] *Cf.* Table 29, p. 113, of the report.

HOW ARE TAXES SPENT?

The second argument given in support of the contention that the ratio of taxes to income is of "slight significance" as a measure for comparing tax burdens of different periods of time is that "the burdensomeness of taxes depends largely upon the purposes for which taxes are spent". This statement is true if interpreted to mean that if taxes were used in such a way as to increase production more than would have been the case if the money taken in taxes had been left in the hands of the taxpayers, the taxes involve no burden. As applied in the report, however, it is open to question. It is difficult to see, for example, how taxes expended for the care of defectives and delinquents are not a burden. Similarly, many of the expenditures and consequently taxes made in behalf of education are certainly a burden. Not that such expenditures are unwise; they may be not only socially desirable in themselves, but if the community can afford them should be made. This, however, is not the question. The question is whether or not such expenditures and the taxes caused by them are burdenless. The report assumes that these expenditures must be made by private individuals if they are not made by the government. Even if this assumption were correct, unless the government can furnish the service more efficiently and consequently at less cost than it could be obtained otherwise, such expense would involve an added burden. The truth is, however, that unless the government furnished many of the services that it does provide, many individuals would go without them. The government in taxing the people to provide these services in such cases adds to the burden of taxes, even although as stated above such increased burden may be socially justifiable.

The third argument given in connection with the point in question is that "taxes spent for interest and debt requirement do not constitute a subtraction from the fund of wealth available for investment in private enterprise" and that consequently the effect of taxes raised for such purposes is not the same as in the case of taxes spent for other purposes. Thus, the payments in connection with the federal debt caused by the World War constituting such a large proportion of the federal expenditures raise the ratio of taxes to income, but do not increase the tax burden because of the fact that such payments are merely a transfer of wealth from the taxpayers to the bondholders. This theory fails to differentiate between payments made on principal and payments for interest. There may be no social loss in connection with payments made on the principal of a public debt, assuming, of course, that the bondholders reside in the same jurisdiction that incurred the debt, but this does not follow in the case of interest payments. Such payments represent a social cost. Taxes tend to burden industry being either taken directly from industry or indirectly affecting it by reducing the purchasing power of the people. However, if these taxes are used for the payment of bonds, the money will probably return to industry. The bondholders wishing to keep their capital intact will tend to invest the money paid them by the government in industrial stocks and bonds to the extent that public debts are reduced. In the case of interest payments, however, the money received is very likely to be treated as current income and spent largely for consumption purposes rather than invested in production.

These criticisms are aimed at the presentation of the arguments as given in support of the contention that the ratio of taxes to income *by itself* has slight significance in comparing relative tax burdens at different periods of time and not at the contention itself.

PER CAPITA INCOME AS A GUIDE

The measure presented as being the best guide in making a conclusion as to relative tax burdens at different times is the rate of increase of per capita income. If taxes become so high as to slow down industrial enterprise, such a fact should certainly make itself manifest by a decline in the rate of growth of private income. The rate of growth of private income during the years 1919–1923 during which the ratio of taxes to income reached such a high point was greater than at any other time in the history of New York, excepting for the decade 1880–1890. This seems to indicate that the *high taxes have not yet seriously affected private enterprise in the state,* or in other words that the limit of the state's taxable capacity has not yet been reached.

It seems well to point out here that this test would be of little value if the figures showed that the per cent of average growth of per capita income per annum were falling. Many other factors besides taxation enter into what this growth is and consequently there might be a decline in the rate of growth of per capita income without taxes having been at all responsible.

Chapter five concludes with a comparison of the urban and rural tax burden in which it is shown that rural taxes are more burdensome than urban taxes in New York caused by the fact that the burden of local government is heavier in the rural districts than in the cities.

In chapter six the committee reiterates the suggestions it has made in previous reports relative to improvement of the New York State tax system.

The report is remarkably free from errors, typographical or otherwise, so far at least as appears on the surface. The principal ones noted occur on page 113 of the report. In the last sentence of the text immediately preceding Table 29 the word "six" should be "five" and the figures "50 per cent" should be "35 per cent." In Table 29 the heading for the column of corrected income figures should read "Estimated Income at 1913 Values" instead of 1923 values. Of less importance is a very slight tendency to make the most of figures by giving the round number next above the exact figure. Two illustrations of this appear in the first paragraph of page 93. After stating that taxes for state purposes in New York had approximately tripled since 1914, the statement is made that local taxes increased in about the same ratio and that the burden of federal taxes borne by the inhabitants of the state had grown nearly seven fold. Both statements would have been more accurate if instead of giving the round number next above, the number next below had been used. Local taxes as a matter of fact increased at a ratio of 2.23 per cent or less than three-fourths of the ratio at which state taxes increased and the estimated burden of federal taxes increased six and a third times, or somewhat over six fold rather than nearly seven fold.

One looks in vain for the disclosure of leakages or even of wasteful expenditures and no constructive suggestions are made whereby greater efficiency would result at the same or with reduced cost. The report, however, presents an excellent picture of the development of state activities and expenditures and of the relation of the tax burden borne by the people of New York state and their capacity to pay. This picture is not only most interesting in itself, but because of the financial importance of New York and the fact that it has been a leader in state activities, the conclusions that are reached as holding true in New York are probably true throughout the country. All persons inclined to believe that the activities of the state are now expanding at an abnormal rate and that governmental expenditures are increasing so rapidly that the taxes necessitated threaten to crush private initiative should thoroughly study this report which is one of the best treatments of the subject of public expenditures that is now available.

RECENT BOOKS REVIEWED

Proportional Representation, Its Dangers and Defects. By George Horwill. London: George Allen & Unwin, Ltd. 1925. Pp. 149.

Not a few advocates of proportional representation content themselves with its application to a political unit not larger than a city and are opposed to its extension to the American state and to the nation. This is true of many P. R. advocates in Cincinnati, where it has been introduced on a larger scale than in Cleveland with its districts, candidates in Cincinnati being elected at large for the entire municipality. These men and women, too, feel that P. R. may be all right in a city like Cincinnati that with the exception of the negroes has no sectional groups of marked characteristics of race or religion, but unwise where such groups abound.

Mr. Horwill, it must be confessed, makes out a strong case against P. R. on a national scale, although many of his contentions can be successfully disputed, but taking the *status quo* in many of the inland cities of America and most of the cities of his native Britain it would appear that his strictures do not apply. The author, it should be said, however, in justice, does not stop at the *status quo* but confidently claims and attempts to show by citation of concrete experiences with P. R. that the system stimulates groups to self assertion, and fertilizes the soil for the growth of blocs.

He summons an array of evidence to sustain his contention that P. R. is a solvent of political parties on a broad community basis. He says it does not induce minorities to convert the majority, but encourages them to harp on one string. In this connection he says:

"While sectional minorities should be heard in order that injustice shall not be done them, it is of the utmost importance that they should not have direct representation in parliamentary government, because parliamentary legislation should be the expression of general social action."

The author does not believe that P. R. only has the effect of splitting political parties into factions and breaking down responsible government. He was long in America as Washington correspondent of British newspapers, and has criticised the legal regulation of American political parties as illustrated by statutory control of primaries, and he has also commented adversely on our "ticket" system of nominees.

There is much valuable matter in the appendices to Mr. Horwill's book and quotations from such men as John Bright, Benjamin Disraeli, W. E. Gladstone, J. Ramsey MacDonald, and Austin Chamberlain, all against P. R. Friends and foes alike will find this book stimulating.

Alfred Henderson.

Cincinnati, O.

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A Selection of Cases on the Law of Municipal Corporations. By Charles W. Tooke. Chicago: Callaghan and Company, 1926. Pp. xliv, 1335.

There are not a few indications of the marked growth of various fields of public law such as administrative law, the law of public utilities, and the law of municipal corporations. The above selection of cases, dealing with the law of municipal corporations, illustrates in a concrete way the growth of one of these fields. A number of case books were available for short courses in municipal corporations—a subject occasionally offered in departments of political science or in schools of law. But interest in the subject has developed and the field has grown to such an extent within a score of years as to require the preparation of a case book along comparatively new lines. Building on the earlier works, Professor Tooke has prepared a very useful and serviceable volume of cases and illustrative extracts as a basis for a thorough course of instruction in this subject.

In the cases selected special consideration is given to new subjects, such as the framing of chargers (especially commission government and city manager types), to problems arising in connection with zoning and excess condemnation, and to provisions by cities for the public interest and general welfare under the police power. Frequently illustrative extracts are added to serve as a perspective for a consideration of the law as defined in the cases. Likewise departing from the usual practice in preparing collections of cases some suggestive dissenting opinions are included. The author evidently believes with Justice Hough that the law may occasionally, at least, be made or light may be thrown thereupon, in dissenting opinions. Frequently references are given to the standard articles in the law reviews and to important text material as well as to model and suggestive statutes. And the value of the collection is enhanced by giving selected cases relating to some phases of administrative law, such as the law of officers and the law relating to extraordinary legal remedies for the protection of both private and public rights, as well as to the law relating to local taxation.

In every respect the volume is well planned as a source book and should serve as an invaluable guide in this field of law to both teachers and students. It will not only be of service to those who are making a special study of the subject of municipal corporations, but also to city attorneys and citizens who are seeking the standard cases which form the background of the modern law of municipal corporations. An index of the cases reported and of the cases cited add to the work's adaptability for such purposes.

The selection of cases emphasizes over and over again the limitations which surround American cities in attempting to deal with the difficult problems and conditions of modern urban life. There are few countries in which constitutional limitations and restrictions, express or implied, often broadly interpreted, confine public authorities to such an extent as is the case in this country. The result is a political mechanism based essentially on the theory that public officials are not be to trusted.

As one notes the cumulative effect of the legal delays and restrictions under which cities are governed and of the fields of operation which are denied to them due to the application of antiquated theories in no sense suited to the regulation of modern urban and industrial centers the query cannot but be raised whether the time has not come to develop theories and principles of government based to a greater degree on confidence in public officers. Perhaps the acceptance of such theories and principles would tend to bring into the public service a larger proportion of capable and disinterested public officials.

Charles Grove Haines.

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Municipal Government in the United States By Thomas Harrison Reed. New York: The Century Company. 1926. Pp. 378.

This volume by Professor Reed is one of two studies which the Century Company has published to cover the field of American municipal politics. Since the companion work by L. D. Upson deals with administration, Professor Reed has omitted that phase of the subject, save for a brief résumé. The scope of the work is thus comparable to that which Professor Munro has made familiar to all students of American municipal government in his text, *The Government of American Cities*. Professor Reed, however, has a different scale of values for determining the emphasis to be given to the various aspects of the field covered. For example, he gives greater attention to the historical development of American cities, devoting four interesting chapters to that subject in addition to the historical material in the chapters on commission government and the manager plan. He confesses in the preface, his conviction that political science must be rooted in history and tells of his early hope that the volume under consideration might have become a comprehensive and definitive history of city government in the United States. Although that plan was apparently altered, Professor Reed has given the most thorough and interesting treatment of the genesis of American Municipal institutions that has been published in any recent text book on the subject.

The author's interest in the genetic approach causes him to press his precedents for commission government back to the administration system adopted in New Orleans in 1870. When he deals with the city manager system, Mr. Reed, as a former city manager, might be expected to lift his voice in praise, in good reformist style, but this he does not do. He is exceedingly cautious in generalizing about the success of the manager plan. One wonders how much this is due to his philosophy of history and how much to the disillusion wrought by practical experience as city manager. Despite his avowal that there is no definite proof of the superiority of the manager plan he does hazard the optimistic conclusion: "It is hard . . . to avoid concluding that the plan on the whole has helped to produce the good and to better the bad. Faith in the manager plan awaits complete demonstration but it is reasonably supported by the facts as we know them."

The two chapters devoted to electoral problems contain excellent brief expositions of such proposed reforms as preferential voting (the Bucklin, Ware, and Nanson plans are described) compulsory voting, and proportional representation. The last mentioned topic constitutes a chapter by itself and is a comprehensive brief review of the history of the proposal, the nature of the principal varieties, and of foreign and American experience.

On the subject of party organization Professor Reed presents a dilemma which he apparently feels is insoluble. While averring that "political organization is essential to the satisfactory working of democracy" and that "without it public opinion is most often a mere babble" he indicts the national parties as utterly unsuited to municipal politics and declares that municipal parties are practically out of the question since local issues are evanescent matters of expediency rather than of principle. Hence there is no foundation in city government for the establishment of permanent local parties even if based upon the time-honored distinction of conservation and radical. His pessimism at this juncture is out of key with the vigorous faith in conscious community control expressed in the opening chapter. Still Professor Reed believes that city politics in this country are to-day no worse than local politics in European cities, for he says:"On the average, American City politicians are not so very different from French, British or German politicians of the same rank. Forty years ago American municipal politics was an abnormal, to-day it is a perfectly normal, expression of democracy."

In the brief chapter on the perfection of administration the spirit of scientific observation is not fully sustained; for example, in discussing the public schools the suggestion that the present board system be displaced by an administrator selected by the head of the city administration is dismissed chiefly for the reason that it would destroy the present liason between school and parent. What proof is there that the present board system creates such a liaison? The reviewer would suggest that the parent-teachers' association and the neighborhood club have been more responsible for such closeness of contact as now exists between the school management and the parent. Is there any good ground for thinking that these would be destroyed if the board system were to be displaced? One might challenge also the statement which occurs on pages 323 and 324 that the public "takes more interest in school elections than in city elections." How does Professor Reed measure interest? Certainly if the number of votes is used as a criterion the conclusion will have to be in the opposite direction.

Again, in discussing the problem of municipal revenues and the task of finding alternatives for the general property tax Professor Reed stops to slay the single tax, but omits to mention the income tax or the land increment tax which have been so successfully used by continental cities. Such an omission cannot be justified by the fact that this is a study of American municipal government only, for Professor Reed has very wisely and fruitfully used illustrative material from European experience all through his book.

The final chapter is an essay on the government of metropolitan areas, a problem which Professor Reed handles with much knowledge and insight. It closes with a hint that he has in store for us another book which will present a plan of readjustment for the areas of local government. Doubtless we may anticipate the expansion in it of the regional idea which he has propounded elsewhere.

It will appear from what has been said that the work under review is chiefly concerned with governmental structure. As an exposition of this aspect of municipal politics it is well done—a clear readable account. Yet aside from the historical material there is not a great deal after all which cannot be found in the comparable works of Munro, although one misses in Reed the spirit of jaunty omniscience which pervades the writings of Professor Munro. There is here little of that concern with the process of government which attracts the attention of Anderson in his study of city government. In the opinion of the reviewer Professor Reed will not achieve his desired objective until he has pushed his examination much more deeply into the social processes of city life.

Charles McKinley.

Reed College.

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Federal Departmental Organization and Practice. By George Cyrus Thorpe. Kansas City: Vernon Law Book Co., and St. Paul: West Publishing Co. 1925. Pp. xi, 1027.

Much has been said and written in recent years concerning the expansion of governmental functions in the United States. Particular attention has been given to the problem of federal centralization. We have been reminded frequently of the dangers inherent in this encroachment upon the sphere of the states, and the consequent development of an administrative bureaucracy in Washington, exercising regulatory powers over the lives and property of individual citizens. Despite these warnings, each succeeding congress imposes some new responsibility upon the national administrative system, which touches more or less intimately a large portion of the people. A considerable number of these newer activities are regulatory in character, but much of the work of our national administrative agencies lies in the field of promotion—the giving of advice, information, and assistance. It is important, therefore, that the citizen be accurately informed with respect to the nature and extent of both control and service functions. His task is made more difficult because of the increasing number of administrative agencies, their haphazard development, the illogical grouping of services in departments, and numerous differences in practice and procedure.

Mr. Thorpe has prepared this volume with the needs of the citizen and his legal representative in mind. It is his express purpose "to show the executive agency of the federal government chargeable with the particular business in which a citizen may be concerned and to indicate the procedure involved therein." In furthering his purpose, the writer presents a description of the history, activities, organization, rules admitting attorneys to practice, procedure, and publications of the several departments, independent establishments, international commissions, and the court of claims. Special attention is paid to those bureaus and agencies, such as the bureau of internal revenue, the bureau of pensions, the patent office, the bureaus of immigration and naturalization, the interstate commerce commission, the board of tax appeals, the federal trade commission, and the court of claims, whose activities bring them into frequent contact with the individual citizen.

Charts and outlines assist the reader in visualizing the extent and character of departmental and bureau organization. Extensive footnotes refer to statutes, executive orders, and administrative regulations as the chief sources of information. A copious index enhances the serviceableness of the volume as a reference manual.

The first chapter, which deals with the powers of the president, is brief and not entirely satisfactory, though admittedly not an essential part of the volume. A formal statement of powers, without comment or explanation, often results in error or confusion. The author cites section 1768 of the revised statutes (the amended tenure of office act) as one of the presidential powers, although this section was definitely repealed by act of March 3, 1887 (24 Stat. L. 500). The veto power is quoted from the constitution, without reference to the practice concerning concurrent resolutions, and the act of 1913 (37 Stat. L. 913) with respect to participation in international conferences is cited without comment as to its doubtful constitutionality. The historical material presented in each chapter seems to lack a definite plan of organization. The department of agriculture is given comparatively slight attention, although its regulatory and research activities are of immediate concern to a large number of citizens.

Professor Freund, in a lecture given before the St. Louis Bar Association a few years ago, made this significant statement: "If the American lawyer takes an increasing interest in Administrative Law it is because he associates it with the fact that he has more and more occasion to attend to the interests of his clients in government departments and before commissions which claim to administer law without pretending to be courts of justice." Lawyers engaged in such practice, as well as students of public administration, will find Mr. Thorpe's volume of inestimable service as a reliable guide and sourcebook.

Lloyd M. Short.

University of Missouri.

GOVERNMENTAL RESEARCH CONFERENCE NOTES

EDITED BY ARCH MANDEL

Citizens' Research Institute of Canada.—The Institute, at the request of the council of the township of East York, made a survey of their financial limitations. This included a report on what capital expenditure, in the opinion of the Institute, can safely be proceeded with. The survey has been completed and the report based thereon has been presented and was given considerable notice in the press.

The Fourth Annual Convention of the Canadian Tax Conference is being held in Winnipeg on September 28 and 29, under the auspices of the Winnipeg Board of Trade.

The Institute has completed its assessment survey of the municipality of Timmins, Ontario. This survey was undertaken at the request of the council of the municipality.

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Toronto Bureau of Municipal Research.—The Bureau has for a number of years felt convinced that great savings could be effected by a thoroughgoing survey of the civic service and has repeatedly pressed for action along these lines. The council has now appointed a civic salary commission.

Preparations are being made for the Ontario Municipal Association convention, which will be held in Toronto the first three days in September. The director of the Bureau is secretary of the association. Arrangements have been made to have the mayor of Cleveland, Ohio, address the members of the association on the city manager plan of government.

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Philadelphia Bureau of Municipal Research.—Harry W. Steinbrook, Esq., graduate of the law school of the University of Pennsylvania, has joined the professional staff of the Philadelphia Bureau. He has been engaged especially to assist in a study of the method of recording deeds, mortages, and other instruments, in the office of the recorder of deeds of Philadelphia county, with a view to discovering whether the recording is being done as cheaply and expeditiously as possible, and if not, what improvements can be suggested.

George E. Worthington, Esq., director of the department of legal measures of the American Social Hygiene Association, has been retained by the Philadelphia Bureau to assist in the survey of the Philadelphia municipal court, which the Bureau is making as the agent for the Thomas Skelton Harrison Foundation. He is studying the men's misdemeanants' division of the court, and the probation work done with men and women convicted of crime.

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Taxpayers' Research League of Delaware.—The latest addition to the number of agencies engaged in government research is the Taxpayers' Research League of Delaware, which began operations on August 1, with headquarters in Wilmington. The announcement of the new organization contains two features of special interest. First, the organization will engage in research in the triple field of state, county and local government throughout the state, offering its assistance to all public officials and to all other organizations with any civic interest, and endeavoring to inform taxpayers about the operations of the various units of government. Second, a systematic effort will be made to popularize the work of the League by stimulating the interest and understanding of taxpayers, both for their financial and moral support.

To this end, the board of trustees, which includes bankers, lawyers, merchants, manufacturers, farmers, and women, has been drawn from all parts of the state with a view to unifying the League with all other organized civic interests, through whose cooperation a large membership for the League can be built up.

The officers are Edward W. Cooch, prominent Wilmington attorney, president; Landreth L. Layton, leading merchant of Georgetown, and Walter W. Hynson, cashier of the Fruit Growers National Bank and Trust Company of Smyrna, vice-presidents; and Haldeman C. Stout of Wilmington, president of the State Bankers' Association, treasurer.

Russell Ramsey has been appointed director of the League. Mr. Ramsey has been a member of the staff of the Bureau of Municipal Research of Philadelphia since 1920, and since 1921 he has been secretary of the Bureau, which office he resigned on August 1 to accept the new directorship.

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Rochester Bureau of Municipal Research.—*The Rochester Bureau has hit upon a novel method of assuring a sympathetic electorate under the new charter. Within the past year five prospective voters have been born to the families of five of the seven members of the Bureau staff. They are in the order of their arrival:*

Raymond Peter VanZandt
Mary Emily Dalton
Martha Savage Story
Hugh McLean Pratt
Donald Everett Higgins

Other research agencies please take note.

✣

National Institute of Public Administration, New York.—Bruce Smith has been retained by the New York State Crime Commission, appointed by Governor Smith, to conduct a survey of municipal police administration in New York State. Buffalo will be the first city surveyed.

Studies of other large cities throughout the state will follow. The work has already begun and will continue beyond the first of the year.

A. E. Buck is making a tour of cities, including Columbus, Indianapolis, Springfield, Illinois, Milwaukee, Madison, Minneapolis, Chicago, Detroit, Cleveland, Buffalo, and Rochester. He is collecting material for a new book on budget making.

The report on Metropolitan Police Systems of Missouri, by Bruce Smith, is being published as a separate pamphlet by Macmillan, and will be off the press in a few days. Copies may be secured from the Missouri Association of Criminal Justice, Central National Bank Building, St. Louis, Missouri.

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Public Utility Consultant, New York City

Regulation of Buses and Motor Trucks.—The Interstate Commerce Commission has started its investigation into the motor bus and truck business, with the purpose of reporting to congress its findings of fact and recommending any needed legislation to place the rapidly expanding operation under proper regulation.

Hearings are to be held in principal cities in different parts of the country so that all interested parties will have an opportunity to present the situation as they see it. At this writing, the hearings have just been concluded in Chicago, and are to be continued in St. Paul. Other places of hearings are, Portland, San Francisco, Los Angeles, Denver, Detroit, Boston, New York, Asheville, N. C., Dallas, Kansas City, and Washington, D. C.

The immediate objective is to determine the extent that motor buses and trucks have come into competition with the railroads and have cut into railway traffic and earnings, and how these new developments shall be treated in our transportation system. These are extremely difficult questions of fact and policy, about which there will be sharp differences of opinion both because of difference in interest and variation in personal point of view. The Interstate Commerce Commission is certainly the most suitable agency to make the extremely desirable survey.

The data collected to date indicate that the motor trucks have probably affected railway revenues more than the buses. In the passenger business apparently the private automobiles have made much the greater inroads upon railway traffic. As might be expected under such circumstances, the trucking interests appear to be more unitedly opposed to federal regulation than are the bus owners. The railroads doubtless will present their point of view fully as to facts and the kind of regulation needed from their standpoint.

There is a third point of view, however, which should be as thoroughly presented as that of the motor and railway interests,—that of the public at large. Presumably the commission itself will assume the responsibility of regarding the general public side, but other public groups should appear and present their experience. Many municipalities, counties, civic associations and state commissions have struggled with the problem, and it is to be hoped that they will come forward with all available facts and ideas that may contribute to better understanding and the development of sound policy.

The present writer considers the investigation a matter of great public concern, and sees the possibility of an effective program. We have collected considerable data which we expect to present at the New York and perhaps other hearings. If we can be of service to any municipality or civic organization, we shall gladly present any special facts before the commission. We hereby suggest that they communicate with this Department, and we shall give the matter the best possible attention without any cost to them. We shall deem it an opportunity to assist in presenting the public side in the investigation.

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The Boston Idea on Telephone Rates.—The city of Boston, after contending for a long time as other cities have done before the local state commission, has decided that the proper course is to bring the whole question of reasonable telephone rates before the Interstate Commerce Commission for investigation on a broader basis than is possible before any local commission. It has filed complaint with the commission as to rates and practices and expects to have the entire intercorporate relationships thoroughly examined. The papers were filed by Frank S. Deland, corporation counsel, E. Mark Sullivan, special counsel, and Samuel Silverman, assistant corporation counsel.

There have been telephone rate fights in a large number of cities during the past few years, and the results have never been satisfactory to the municipal authorities. The difficulty has been that every local company is only an operating unit of the large Bell System controlled by the American Telephone and Telegraph Company. The operating expenses in no case could be clearly and directly presented because to a large extent they reflect charges made by the controlling company or other subsidiaries over which the particular commission had no jurisdiction. Thus there has been repeated litigation over the famous 4½ per cent provision and the bills from the Western Electric Company, but the exact facts as to costs and returns have never been satisfactorily determined. The local costs and profits have been inextricably intermingled with the system, and the total operations have never been brought under investigation.

The fact has been called to public attention repeatedly that, while the individual companies are shown to be, one by one, receiving inadequate returns, the American Telephone and Telegraph Company has been doing very well—where the discrepancy? It appears, therefore, that, as Boston is proposing, the rational course is not to look particularly to the local companies whether they are obtaining proper returns, but to make a system investigation and to determine whether in the aggregate excessive returns have been realized. When the total cost and the total fair return have been established, the apportionment to individual companies will largely take care of itself on a fair and equitable basis.

Incidentally, the investigation will include also the financial policies of the system, the methods of security issues, the cost of financing, the use of funds, etc. The purpose is to bring what is conceived to be the largest trust under proper regulation. The opposition is not against monopoly in telephones, but to keep a necessary monopoly under public regulation. While Boston has initiated the action, it considers the move of country wide importance and expects other cities to join in the proceedings.

*

Cleveland Municipally-Owned Utilities.—The City of Cleveland seems to have succeeded admirably in putting at least one of its municipally-owned and operated utilities upon a sound financial basis. The 1925 reports for the division of light and power and the division of water and heat were recently issued by the director of public utilities, Mr. Howell Wright. They present the financial conditions and the results of operation in clear tabular statements and give a simple analysis for the understanding of the ordinary person for whom the facts are intended. In the light and power division the data are stated particularly along approved modern statistical and accounting lines.

In the light and power division, the total cost of furnishing electricity is fully presented. It includes not only all operating expenses but also taxes and interest on investment. The operating expenses make liberal provisions for maintenance and especially depreciation. Full charges are made both for taxes, although none are actually paid, and interest on the investment. There are thus included all the costs normally incurred by private electric light and power companies and full comparisons can be made with such companies operating under similar conditions.

The total sales amounted to 121,500,000 kw. hrs. The average cost, including operating expenses, taxes and interest on investment, amounted to 2.07 cents per kw. hr. sold. For generating alone, the total was 1.07 cents. These results compare very favorably with the best obtained under private operation. They must be compared, however, not with large companies, but with rather small modern units. The total plant capacity is only 50,000 kw. and the largest single generating unit has only 15,000 kw. capacity.

The importance of the plant is not in the total service, but in the competition furnished to the private company serving the city of Cleveland. The rates charged by the latter naturally cannot be higher than the city department rates. But these average only 2.33 cents per kw. hr. and at that cover the full cost of service as well as a profit of $320,000. Moreover, the commercial lighting rates averaged only 3.5 cents per kw. hr. and municipal street lighting 2.1 cents. The report states that the city of Cleveland has the lowest domestic lighting rates in the United States.

The city has not only set a general standard of rates to which the much larger private operation has conformed, but has also greatly reduced the *differential* between the low rates for large commercial or power loads and the domestic lighting rates. While the latter are, naturally, higher, they are not out of all reasonable proportion as happens frequently in private systems. There is usually no sound reason in the wide difference, which sometimes reaches a ratio of 4 : 1 domestic lighting rates to average total cost of service.

The city department has provided for a sound financial set-up in every important respect. The property accounts reflect actual cost, and the depreciation reserve during the past year has been completely adjusted to present conditions. The reserve thus amounts to 29 per cent of the total cost of the properties. For generating plant and equipment, the percentage of recognized depreciation is 45 per cent. The annual rate of depreciation is 7.5 per cent production system, 4.25 per cent transmission system and 3⅓ per cent distribution system. This is a standard of accounting and financial control which is equalled by few companies whatever their size and financial strength.

There are, however, some minor matters in the report that might be clearer or more completely presented for public enlightenment. The rate schedule is not given so no direct comparison of rates as to particular classes of consumers can be made with private companies. On page 3 cost data are given separately for generating system, transmission system and distribution system. These figures, however, do not check with the total costs in the income and expense statement of Exhibit "B"; reconciliation would be helpful to the statistically minded.

Turning to the division of water and heat, the report frankly admits that the management is not on a satisfactory administrative nor on sound financial basis. The department is seeking to correct the situation by providing an adequate and safe water supply, introducing modern business and accounting methods, and basing rates upon established cost of service. The rates in general appear to be too low, and in particular classes of service they are said to be less than cost. This applies particularly to the heating service and to water supplied the suburban districts.

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Basis of Return Upon Railroad Properties.—The Interstate Commerce Commission has conducted hearings and received arguments during July on the so-called Kelly report, which has an unusual volume of significance to those interested in sound and administrable methods of regulation.

The Interstate Commerce Act as amended by the Transportation Act of 1920, provides for the recapture by the Interstate Commerce Commission of 50 per cent of any company's net railway earnings above 6 per cent upon the value of the property devoted to railroad uses. The provision was established in recognition that a workable schedule of rates must be based upon wide territorial requirements, and that many companies are compelled to operate under the same rates notwithstanding great differences in density of traffic and unit cost of operation. The purpose, therefore, was to reserve for defined public purposes a large part of the net excessive income due primarily to a recognized level of rates rather than to particular superiority of operation on the part of any company.

The desirability of such a provision was discussed and approved by economists many years before its adoption in the regulatory policy of the country. But its statutory establishment was but the first step to its effective incorporation in the machinery of railway control. There was first the attack upon general constitutional grounds: How can a company's earnings be taken when they were based upon rates approved by legal authority? The answer was direct and definite in the so-called Goose Creek Railroad case. The supreme court took a sound economic view, recognizing the fundamental facts upon which railway rates are based, and approved the new provision.

This was a signal victory for sensible regulation. It practically leaves the legislative branch of government free to fix any special policy or procedure which seems desirable on public grounds and does not bring actual confiscation or unfair treatment upon the companies. After the decision, however, came the next important and baffling problem: How to get a workable basis for readily measuring the excessive earnings to be taken for public purposes? The Kelly report is the answer offered to the question. It proposes to take as a starting point the valuations as fixed under the valuation act, and then add actual additional investment in properties on the basis of the accounts prescribed by the commission. These valuations have been based upon pre-war costs or prices, and are made mostly as of 1914 and 1916. The Kelly proposal would thus make no allowance for the great price increases during and after the War, except so far as additional construction and equipment were installed at the higher levels. It would provide for a definite method of keeping the valuations up to date on a modern accounting basis, and would furnish an exact and readily administrable machinery by which the public capture of excess earnings may be carried into effect.

Now, however, the constitutionality of the plan is assailed as well as its direct legality under the Interstate Commerce Act. The latter provides that in fixing the value upon which the return shall be based, the commission shall take into consideration all the elements of value, and does not prescribe the proposed limited basis of valuation. There is also the more fundamental constitutional question whether congress can limit the valuation as proposed without giving effect to the higher price level of recent years. There is thus a further legal battle, doubtless to be long drawn-out, before a manifestly sensible idea can be followed by the commission.

It is, of course, to be hoped that, first, the commission itself will adopt the Kelly report and that, secondly, the supreme court will give its final constitutional sanction. It is impossible to conceive how the already constitutionally approved principle of recapture can be carried practically into effect except through the Kelly plan. If a new appraisal must be made every time the question of recapture comes up, with the usual struggle of determining the "fair value," the policy will be hopelessly strangled in the confusion of administration. The publicly available sums would probably be more than consumed in the endless litigation over facts and methods.

The Kelly plan has been largely supported before the commission on the grounds of "fairness" to the public; that it would avoid an otherwise unjust "value" aggregating $15,000,000,000 for the country at large. The public would be required to pay a return on this tremendous sum which represents no actual investment. Apart from this view, however, there is the glaring fact that the Kelly way is the only workable way. Otherwise, the whole object of the recapture provision will be aborted through the impossibility of performing the expected job.

If the Kelly plan is finally approved—by commission, lower court, supreme court—there will still be a final round in the battle for common sense in railroad regulation. The recapture provision has to do only with earnings realized from rates approved by the commission and has nothing directly to do with the basis of establishing the rates. As to this fundamental matter, the commission has as yet, so far as I know, taken no forward step in line with the Kelly report. There is yet no recognized basis of rates, other than the shamanistic " fair value." While the commission may give due consideration to the valuations made under the valuation act, and while such valuations may serve as *prima facie* evidence, yet the sum to be taken as the general rate base is the "fair value" which has not been freed from the long established incantation quoted from Smyth v. Ames.

The Kelly report must not only be taken as the basis of public recapture of excessive earnings of individual companies, but its underlying idea must be applied to the entire policy and procedure of railway rate regulation, if the purposes of the Interstate Commerce Act as now expressed in law are not to be defeated through sheer impossibility of administration. In the interest of the practical working of the law, an amendment is necessary, making the Kelly plan the outright basis of all rate regulation as well as financial dealings with the companies. In this way the whole problem would be brought to the supreme court on the broadest constitutional grounds, and the case of effective regulation could be decided with the facts and conditions fully presented in the light of the regulatory problem.

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Land Values and Railroad Rates.—The general basis of railroad rates has been up for public discussion not only as to the Kelly report, but has been further considered before the Interstate Commerce Commission in individual valuations of particular properties. The general methods were outlined in the early Texas Midland case, but they have been challenged in practically every subsequent case and probably will be subject to reconsideration until the final valuations in all cases will have been fixed.

In general, the basis of valuation represents reproduction cost of road and equipment at average pre-war prices, less depreciation, and adjacent land values for right-of-ways and other railroad land. The results of this combination of methods are claimed by the commission to reflect the average costs of the twenty years preceding the date of valuation, and would thus represent the normal actual cost of the properties. This view might well be fairly held as to road and equipment but hardly applies to land. For this important element, the 1914 or 1916 values were everywhere much greater than in 1900, and very much greater than actual investment by the companies. The commission's apparently attempted justification of its methods challenges serious criticism on public grounds.

Such criticism, however, becomes especially significant if the idea of the Kelly report is not adopted for future rate regulation. If the 1914 or 1916 adjacent values are permanently incorporated in the railroad rate base, without further increases as adjacent land values continue upward, perhaps no serious criticism could be made of the commission's procedure, at best so far as most properties are concerned. But if future increases are to be taken into the rate base, then the method should be challenged on every ground of public expediency. There is not only the question of justice to the public, but the grave problem of effective regulation from the stand-point of workable administration and sound financial structure. All these considerations require a fixed and definite future rate base subject to modern accounting control.

The problem of fairness to the public assumes special significance in the case of particular companies whose properties include a large proportion of urban lands. In the ordinary case of the commission's valuation, the percentage of land (on the adjacent land value basis) to the total found value, has been about 10 per cent, which, whatever the equities, is not a dominant element and would have small effect on the general rate structure. In the case of such properties as those of the Long Island Railroad Company, however, the situation even as of 1916 is very different. This company operates through the great Metropolitan district of New York, and consequently in the tentative valuation the land constitutes 35 per cent of the total valuation. This now is a significant element and does affect materially the general rate level. Is the basis just to the public?

This question assumes particular significance in the commutation rate case now before the two New York commissions. The Long Island Railroad company is seeking a 20 per cent increase in commutation rates to New York city. In presenting proof of value for the rate base, it has appraised all right-of-ways and lands on the basis of present adjacent land values. The territory served has developed tremendously during the past ten years, and there is no doubt that on the average present adjacent values are three to five times greater than at the date of the I. C. C. valuation. The company's claim value is thus almost three times the I. C. C. 1916 figures, and, apparently, would amount to over 50 per cent of the total claimed value for railroad purposes.

The fairness issue is thus sharply raised. The I. C. C. 1916 land value for railroad purposes was, in round figures, $33,000,000; the claimed value in 1926 is about $98,000,000 for practically the same properties. On what grounds of "fair value," it may be well asked, should the public be asked to pay a return on the additional $65,000,000, which represents no direct investment or sacrifice on the part of the company? The question has special force in this case, since the development of the territory is due primarily to public factors and not to efforts on the part of the company. Moreover, it is doubtful whether any considerable railroad enterprise would ever be undertaken if 50 per cent of the investment were required for land, or that any large railroad today can practically be operated on such a financial basis. The city of New York and the commuters are thus attacking the fundamental basis of land valuation; they believe that it leads to absurd results and cannot be taken as a measure of "fair value."

This case illustrates admirably the problem of land valuation where the railroad land, on the basis of adjacent land values, would constitute a large proportion of the total found value. This particular angle has not been sufficiently discussed before the commission and seems to have received little direct consideration in the adoption of methods.

NOTES AND EVENTS

Thirteenth Annual Convention of City Managers' Association.—The City Managers' Association will hold their thirteenth annual convention at Colorado Springs the 21st, 22nd and 23rd of this month. It is expected that the attendance will exceed two hundred. The convention will be preceded by a trip through Yellowstone Park for those managers and their families who are able to make the excursion.

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Mayor Samuel A. Carlson, who is serving his eighteenth consecutive year as head of the city government of Jamestown, New York, was unanimously elected president of the New York State Conference of Mayors for the year 1926–27. Mr. Carlson, who is an old member and officer of the National Municipal League, is well known for his progressive attitude towards municipal problems. He is a strong advocate of the city manager plan of government.

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Tax Classification up in Illinois.—In November the voters of Illinois will pass upon an amendment to Article IX of the state constitution to permit the classification of property for tax purposes. The state constitution now requires that all property be taxed uniformly in proportion to its value. The Illinois Teachers' Association and the League of Women Voters are behind the amendment which they assert follows out the model tax plan of the National Tax Association. Undoubtedly little progress in tax reform can be made in Illinois until the uniform rule is abrogated.

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"As an Economic Measure city planning is a savings bank for the city's funds," states Fred E. Reed of Oakland, California, in a study made for the National Association of Real Estate Boards. Cities that have not planned show vast expenditures for necessary street widenings while cities, such as Washington, Houston, and Salt Lake City, adequately planned for future expansion, have streets of sufficient width and have saved enormous sums through not having to undertake expensive street openings and widenings.

The Wisconsin Conference of Social Work, which conducted the Wisconsin Better Cities Contest last year, has published the complete scoring schedule used in the contest. The title of the handbook is "How Good is Your Town?" At present it is being completely revised for use again in the cities during the coming winter. Aubrey W. Williams, general secretary of the Wisconsin Conference of Social Work, Madison, Wisconsin, is in charge of the revision and will be glad to receive suggestions intended to improve the present instrument as a means of measuring the efficiency of municipal government.

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City Manager Appointments.—After a series of vicissitudes including a court contest over the validity of the charter, Austin's (Texas) new city commission has organized and chosen Adam R. Johnson, former member of the board of control and a successful merchant, as city manager.

The position of manager of Knoxville, Tennessee, made vacant recently by the resignation of Louis Brownlow, has been filled by the appointment of Charlton Karns to the office. Newspapers report that Mr. Karns, a resident of Knoxville with a long and successful business career, was elected by the votes of the majority councilmen who had supported Mr. Brownlow. It will be recalled that Mr. Brownlow resigned recently because of ill health coupled with the political abuse which he had been receiving from disaffected factions.

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The Ohio Vote on Special Assessments Amendment To Aid City Planning.—The voters of Ohio on August 10 rejected a proposed constitutional amendment permitting municipalities to meet the full cost of property acquired for a public improvement by special assessments upon private property benefited by the improvement. The present constitution permits the payment of but one half the cost of acquiring such property. The amendement was sponsored as an aid to city planning since it would make possible the acquisition of land for street widenings and openings by assessment on property benefited.

The Ohio State Grange actively fought the amendment. One reason given was the fact that the text was so phrased that municipalities might acquire parklands outside their boundaries and assess the cost on the abutting rural real estate. *Greater Cleveland*, published by the Cleveland Citizens' League, states that the amendment was made necessary by the action of the chairman of the committee on cities in the 1912 constitutional convention who took advantage of his position to introduce the 50 per cent limitation. Under this limitation street openings and widenings to meet pressing traffic needs are practical impossibilities.

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Detroit Attacks Vice Problem of a Boom Town.—Detroit is applying the research bureau method to solution of the vice problem, in a way that may set some new precedents, if the program as started is carried through. Because it is a "boom" city industrially, and for other plausible reasons, Detroit has become in the past four years one of the worst cities on the continent in its harboring of the social evil. Last winter representatives of the American Social Hygiene Association, in co-operation with a small group of local citizens, accepted the task of a complete survey and report, with recommendations.

The report, after four months of under-cover work, was accepted by sixty representative citizens, representing a score of civic, social, and religious organizations, and simultaneously, but absolutely without publicity, was handed to Mayor John W. Smith, for the information of himself and all other officials charged with any degree of responsibility for action. By careful manoeuvering and private conferences the question was "broken open" without a blaze of sensational publicity. Instead of a "moral reform" in which politics plays a major part, the citizens have adopted the view that responsibility for recognized evils must rest on the entire city. They have pledged the mayor, police, judges, *et al*, full co-operation and from now on will expect sincere, determined, and continuous action on the part of those same officials.

An incident of the public announcement of the facts contained in the report was the resignation of the police commissioner, Frank H. Croul, and the appointment of his former superintendent, William P. Rutledge, as his successor. In meeting the new conditions and launching the program for improvement the mayor is advised by Solon Rose, as investigating engineer; Mr. Rose was formerly on the staff of the Bureau of Governmental Research, but since July 1 has been on the city payroll as adviser to the mayor.

The delicate question of premature publicity, in connection with the organization of the citizens' committee and the release of the report, was handled by agreement among all citizens concerned that they, collectively and individually, would refuse to say a word for publication, at any time, but would refer all questions to Mayor Smith, to be answered by him and his associates after they had received the facts contained in the report. The citizens' committee, having arranged for sub-committees on law enforcement, courts, and legislation, will quietly study conditions, take action in line with recommendations submitted by the report of the American Social Hygiene Association, confer and co-operate with public officials, and finally see that the clean-up job is done with thoroughness even though it may require a long time.

W. P. Lovett.

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Cincinnati's Charter Revision Committee at Work.—At the time the city charter amendment which was adopted in November, 1924, was being prepared, its proponents appreciated the fact that many more things in the charter should be changed but it was felt inadvisable to attempt to cover too much in a single amendment. In consequence the amendment as drawn altered but one section and substituted for a council of thirty-two, twenty-six of whom were elected by wards and six at large, a council of nine elected at large by proportional representation, and a city manager to be chosen by this council. To provide for the other necessary changes, a provision was placed in the amendment to the effect that if the amendment carried, six months after the new council had been in office a Charter Amendment Commission should be appointed to revise the charter as a whole. The charter amendment carried, a new council was elected the following year and this council completed its first six months of service on the 30th of June, 1926.

At its first meeting in July, the council selected Robert A. Taft, former speaker of the Ohio House of Representatives and son of President William H. Taft, a Republican in national politics and a person who had neither been an opponent nor a supporter of the city charter amendment; Robert Gorman, the city solicitor of the villages of Elmwood and Cheviot, Hamilton County, Ohio, a Democrat in national politics and one who had supported the city charter amendment; and Henry Bentley, who was the chairman of the Campaign Committee for the city charter amendment, and chairman of the Campaign Committee in the election of the nine councilmen, and who is president of the City Charter Committee, to be the charter amendment commission. All three of these gentlemen are lawyers of high standing in the community and it can be seen that all political elements in the community are represented.

At its first meeting, the charter revision committee selected Mr. Bentley as chairman and employed Howard L. Bevis, professor at the Law School of the University of Cincinnati, as its secretary. The committee has been holding daily meetings and devoting practically its entire time to the proposition of getting the charter in shape to be presented to council.. The report of the committee will be noted in next month's Review.

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Governor Smith's Report on State Finances.—For the past year or two Governor Smith has followed the policy of reporting to the people upon the financial condition of the state in words which they were able to understand. Nobody knows how much money is wasted in the United States in the preparation and printing of public reports which are intelligible to no one; often they have little meaning to the compilers themselves. The New York governor is therefore to be congratulated for taking a leaf from the book of some of the banks who in their advertising have interpreted their financial statements for the man in the street.

Governor Smith undoubtedly took particular pleasure in issuing his report this year because, in spite of tax reductions amounting to $30,000,000, he is able to show a prospective cash surplus of $15,000,000 at the end of the present fiscal year.

For those interested in the subject of governmental reporting we reproduce below the summary statement taken from the governor's report:

On July 1, 1925, the state owed its bondholders	$318,456,000
Since July 1, 1925, we paid back to the bondholders	2,936,000
On July 1, 1926, our total indebtedness to our bondholders was	315,520,000
In addition to the above, we owe on temporary loan certificates sold in advance of the sale of bonds for park purposes and building improvements	$1,305,000
To meet the above indebtedness, the state had in its sinking funds on July 1, 1926	94,959,357
(*Money in the sinking fund is equivalent to money in bank drawing interest.*)	
Annual deposits made to this fund from the receipt of taxes will meet all the bonds at their maturity.	
On July 1, 1926, the actual and estimated income from taxation and all other sources of revenue available to pay the expense of the state was	209,580,107
From this we will have to pay out for the expenses of the state the amounts appropriated by the last legislature and also those remaining from previous years . .	194,287,117
Taking the amount of our expenditures from our income, actual and estimated, we will have a free cash surplus of	15,292,990
(*This is the state's bank account against which amount there are no claims or liabilities.*)	
Nobody denies that heavy taxation has added considerably to the cost of living and the government should, therefore, not take from the taxpayer more than is required to meet the absolute needs of the state in a given year. Having this in mind, we continued the 25 per cent. reduction and granted further exemptions to all the payers of an income tax and by this saved them	20,500,000
Also, by a reduction in the direct tax on real and personal property we saved taxpayers	10,397,610

All of the above means that ample appropriation was made to meet the state's indebtedness, take care of every activity of the government, return $30,897,610 to the taxpayers and have in the bank as against the day of need a clear surplus in excess of $15,000,000.

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Iowa Municipal Assessors Organize.—The average citizen regards the assessor as a decrepit, incompetent pensioner—filling his office for want of better occupation. Such was the impression gained by the writer prior to the First Annual Convention of Iowa Municipal Assessors held at Waterloo on July 26 to 28. The first day of the gathering changed that impression. At the time scheduled for registration, assessors from the larger cities met and held live discussions on office equipment. In the afternoon, the program called for a short session with adjournment at 3 o'clock for a baseball game, but the assessors continued in session the entire afternoon—and the entire atmosphere of the convention may be characterized as marked by a deep interest in problems of assessment and a desire to improve methods of assessment generally.

The actual administration of the office proved to be a revelation in diversity. Bank stock valuations range from 33 per cent to 65 per cent, "real value" of property varies from 40 per cent to 100 per cent; and a like range for other classes of assessable property. Exemptions were discussed and the opinion was expressed that there were too many exemptions which were "political" rather than "legal." It was pointed out that in many cases exemptions were granted to individuals and organizations who were entirely able to contribute to the public revenue. Means employed in evading assessment were discussed, and it is rather astounding to contemplate the number of "shareholders in the government business" who evade their fair share of the expense of government, thereby causing what Adam Smith was wont to call the "inequality of taxation."

The assessor is the keystone of our fiscal system but our laws are so fixed that evasion is possible and the whole system places a premium upon dishonesty, especially in the matter of moneys and credits. One assessor suggested that this defect might be remedied by requiring all documents to pass through the assessor's office before becoming legal instruments. The assessors gathered at this convention were earnest, sincere men, devoted to solving the problems of their office. To do so, would require a change in the assessment laws—for the assessor cannot make arbitrary rules.

Perhaps the most interesting paper of the convention was read by Mr. L. A. Link of the Waterloo City Council. This was a discussion of "The Council as a Board of Review." Mr. Link stated that the Waterloo council sat as a board of review for some fifty sessions—going over assessments class by class and block by block. Too many boards of review are prone to approve the assessor's work without examination or attempt at equalization. Mr. Link suggested that the board of review be abolished if it is not a real functioning organ rather than a rubber stamp. This paper was met with hearty approval and a lively discussion, corroborating the speaker's statements followed.

Viewing the convention as a whole, it proved to be a success, and the constructive suggestions of the meeting might be of interest:

1. Adopt the county assessor system—thus tending toward uniformity of method and securing competent supervision over the work of assessment. (Such a measure was defeated in the Iowa legislature in 1925.)
2. Adopt a uniform system of books for the office.
3. Develop uniform standards for ascertaining the value of various classes of property throughout the state.
4. Make the board of review a real, functioning body.

If the aims set up by this first meeting of assessors be realized, Iowa is due for a most thorough revision of laws relating to assessments, and it is to be hoped that the burden of taxation will be divided more equitably between those who have and those who have not.

D. W. Knepper.

✣

Municipal Activities Abroad.—*Milk Supply.*—One of the organizations of German cities reports the results of a questionnaire on the milk supply which was forwarded last September to cities of 100,000 and more inhabitants. Forty-four answers were received. In the list appear the most important German municipalities.

It is seen, first of all, that 35 cities control the milk trade through the method of granting concessions to dealers.

Secondly, that there are milk markets or central supply stations in 20 cities, among these are such as Berlin, Frankfurt, Mannheim and Stuttgart.

Thirdly, that the tests of milk show a very much higher percentage of unsatisfactory samples due to watering, presence of sediment or a low percentage of cream content in those cities where milk is *not* handled through a central clearing house. The percentages of unsatisfactory samples ran less than three in the latter group, whereas in the former, the percentages in 1925 ran from a minimum of three to a maximum of thirty.

The chief explanations of the higher grades of milk where there is centralization are that control is much more easily exercised and that the organization in charge of the central market sets high standards voluntarily and sees to it that they are maintained.—*Mittelungen des Deutschen Staedtetages* (Berlin).

Training Officials.—Since the war there has been a growing interest in Germany in the training of young people for public positions, particularly in the municipalities. A movement has just been launched in Prussia for bringing about a more or less standardized scheme of training. This has to do primarily with the education of those who have been unable to attend the university or some higher institution of learning. The Prussian League of Municipalities is the prime mover, having recently appointed a committee for the purpose of setting up general principles and standards of such training.

The important principles proposed have to do (1) with the general problem of further education, (2) with the organization and control of a school for the training in public administration, (3) with principles of testing and examination, (4) with the curriculum.

Generally, the period of preparation will cover four years. In the first three years the candidates must have the opportunity to work in a practical way in positions of more or less importance. During the last year he is expected to receive theoretical training in a special curriculum offered at a school of administration. If one has finished the equivalent of the gymnasium, the period of training is shortened. If, on the other hand, one comes from a folk school, it is lengthened by two years.

After the completion of this first examination the candidate is required to serve for at least three years and at most five before he can be enrolled in more advanced courses. The schools of administration offer these courses in such a way that one can carry on his regular work in connection with his study. This period of instruction lasts one year and is brought to a close by a second examination which, if passed, entitles one to a position as upper-secretary, or its equivalent.—*Mittelungen des Deutschen Staedletages* (Berlin.)

Public Recreation.—Glasgow has long stood in the forefront of municipalities interested in developing activities for the benefit of the public. A recent report upon recreation, particularly with reference to public concerts, golf and tennis, goes to show what progress is still being made in this enterprising city. In 1923, 409 concerts were given under the auspices of the city council at nominal entrance fees resulting in deficit of 474 pounds for the year. In 1924, there were 324 concerts with a surplus of 717 pounds; in 1925, there were 326 with a surplus of 2336 pounds. The average attendance per concert in 1925 was nearly 1000. A total of 300,000 people paid admission to attend these concerts in the past year.

On the public golf links there was an aggregate of 132,472 players in 1925. In the same year the public tennis courts served 304,000. A nominal fee is charged for use of the links and the courts. The revenue in 1925 for the courts was increased over the previous year in spite of the fact that the charge was decreased from six pence to four pence.—*Local Government News* (London).

W. E. Mosher.

*

Cities not Gaining at Expense of Rural America.—The common idea that rural America is losing ground to the cities is upset in a recent issue of *The Survey*, in which Robert W. McCulloch quotes figures compiled by the Institute of Social and Religious Research to prove his contention.

According to the census, Mr. McCulloch writes, the rate of urban increase between 1900 and 1920 was 84 per cent. In reality, he says, the rate of urban increase was only 66.4 per cent, and if the immigration from abroad since 1900 is excluded the increase becomes only 52.1 per cent. The discrepancy is shown to exist because the census classifies villages as "urban" the moment they pass 2,500 in population.

At the same time Mr. McCulloch's survey shows that with the differences in classification eliminated the rural increase becomes 23.6 per cent, which is the normal increase of births over deaths and nearly twice as large as the increase based upon the ordinary census figures. "From 1900 to 1920," he writes, "the incorporated villages increased 41 per cent both in number and in population. During the same period the population of the United States as a whole increased 39 per cent. During these twenty years, therefore, incorporated villages increased in population more rapidly than the nation as a whole."

"Even if there were no movement to the cities," the article explains, "there would still be, from one census period to the next, a steady decrease in the number of people classified as 'rural,' because this is a growing nation, and many places classified as rural at the end of one decade grow sufficiently to cross into the urban class by the next time the census is taken.

"In Alabama, for example, Alabama City, a village with 2,276 inhabitants in 1900, passed into the urban class in 1910 with a population of 4,313; and Andalusia City, with 551 in 1900 and 2,480 in 1910, got over the line with 4,023, in 1920.

"Here, then, we see how some thousands of people in two villages ceased to be villagers and became urban folk; not by migration cityward, but by a process of governmental bookkeeping that did not move a single villager out of his own dooryard."

The institute's figures quoted by Mr. McCulloch show that 4,620,055 people became city folk between 1900 and 1920, simply because the places in which they lived had grown sufficiently to be lifted from the rural into the urban class.

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THE LEAGUE'S BUSINESS

Baldwin Prize Award for 1926.—The Baldwin Prize of one hundred dollars, awarded each year for the best essay by a college student on some phase of municipal government, was this year won by George H. Sage of the Class of 1927 of Harvard College. Second place was awarded to Edward J. Creswell, Class of 1926, Harvard College. William Richard Kern of the University of Pennsylvania and John Stothers of Wesleyan University were awarded honorable mention.

The judges were Professor Frank G. Bates of Indiana University, Professor Russell M. Story of Pomona College, and Walter Matscheck, director of the Kansas City Public Service Institute.

The subjects for the 1927 contest were published in the NATIONAL MUNICIPAL REVIEW for June. Full information as to topics and terms of the contest have been sent to the professors of government in the universities and colleges throughout the country to whom students interested in the contest should refer.

⁂

New Department Coöperating with Municipal Research Bureaus.—We are delighted to announce that George H. McCaffrey of the Boston Good Government Association has accepted the directorship of the new department on administrative research and publication, the organization of which was announced in the September REVIEW. Miss Esther Crandall, former assistant municipal reference librarian in Milwaukee, has become reference librarian in the new department. Mr. McCaffrey has had intimate contact with the politics of Boston. He was a member of the Constitutional Convention in 1918, and the League as well as the Governmental Research Conference is to be congratulated in securing him. The first item on his program is an extended visit to the various bureaus of municipal research throughout the United States.

⁂

Organization of Committee on Election Administration.—President Polk has recently appointed the following persons to serve on the committee on election administration:

Albert S. Bard, New York; W. W. Connor, Seattle; Oakley E. Distin, Detroit; Mayo Fesler, Cleveland; W. P. Lovett, Detroit; Walter Matscheck; Kansas City; C. E. Merriam, Chicago; Harley G. Moorehead, Omaha; H. A. Nichols, Rochester, N. Y.; F. L. Olson, Minneapolis; Helen M. Rocca, Washington, D. C.; George C. Sikes, Chicago; Thomas R. White, Philadelphia; and J. H. Zemansky, San Francisco.

Dr. J. P. Harris, who has spent the past year in studying the registration systems in various cities, will act as secretary to the committee. The first problem is the development of a registration system which will be less expensive and less a deterrent to voting than the present systems generally in force, but which will at the same time guard against fraud in administration.

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THIRTY-SECOND ANNUAL MEETING

NATIONAL MUNICIPAL LEAGUE

ST. LOUIS, NOVEMBER 9 AND 10

HEADQUARTERS, STATLER HOTEL

TUESDAY, NOVEMBER 9

10:00 A. M. **Better Governmental Organization of Metropolitan Regions as an Aid to City Growth.**—Professor Thomas H. Reed, University of Michigan.

The United States is becoming a network of metropolitan regions. Large cities have many satellite towns with governments poorly constructed to meet community needs. City planning is hindered and growth with comfort obstructed. Professor Reed has just returned from a study of London, Paris and Berlin and will apply European practice to American conditions.

Necessary Next Steps in Protecting the City Plan.—Alfred Bettman, Esq., Cincinnati.

To be worth anything, city plans must be carried out, but in the course of the years many influences arise to defeat them. Should cities be given new legal powers to protect the integrity of the city plan by controlling private interests which would ignore it? Mr. Bettman is a member of Secretary Hoover's committee to draft a city planning enabling act and will explain what new powers should be given to cities.

The Skyscraper Menace.—Major Henry H. Curran of the New York City Club.

Major Curran would limit buildings to a height of ten stories, and thus control congestion and assure light and air to all. The cure is drastic but may be needed. Mr. Curran was candidate for mayor of New York in 1921, and more recently commissioner of immigration at Ellis Island.

12:30 P. M. Luncheon.

Are We Spending Too Much For Education?—Dr. A. Ross Hill, Kansas City (invited).

In some cities expenditures of public education equal or exceed those for all other municipal purposes put together. Is the public school system operated as efficiently and economically as taxpayers have a right to demand? Are the public schools offering the right sort of education?

What Place Has a Street Railway in a Modern City?—J. M. Shaw, Editor of *Service Talks*, Philadelphia Rapid Transit Co.

Mitten Management operates the Philadelphia street railways, and the elevated and subway lines; it owns and operates the local Yellow Taxicab service, an extensive bus system in Philadelphia, an interstate bus service to New York and a daily aeroplane passenger service to Norfolk and Washington. They are trying to find out whether the street car is obsolete.

7:00 P. M. Dinner at Hotel Statler.

WEDNESDAY, NOVEMBER 10

10:00 A. M. **Has Governmental Regulation of Public Utilities Broken Down?**—John Bauer, Public Utility Consultant, New York.

Advocates of public ownership argue that public control of our utilities has failed. Problems of valuation, fair return and service, they say, have been too much for the utility commissions. Others believe that the utilities can be controlled in their own interest and that of the public.

Service-at-Cost Franchises—Panacea or Nostrum?—Professor Martin L. Glaeser, University of Wisconsin.

Service at cost has an attractive sound and has been heralded by enthusiastic supporters as the solution of our street railway problems. St. Louis is now considering a service at cost franchise for her street railways. Is it a good franchise?

Are City Governments Extravagant?—Dr. Lent D. Upson, Director, Detroit Bureau of Governmental Research (invited).

Is the federal government operated more economically than the city? Is the accusation that cities are indulging in orgies of spending true? How can cities save money without hampering services?

12:30 P. M. Luncheon.

Symposium on City Manager Government.

1. **What It Is and Why It Succeeds.**—Dr. A. R. Hatton, Member of Cleveland City Council.
2. **Critical Report on Its Operation in American Cities.**—Prof. Leonard D. White, Chicago University.
3. **Discussion.**—Walter Matscheck, Kansas City.

3:00 P. M. **Annual Business Meeting of National Municipal League.**

All sessions, except the business meeting, are open to the public. Plan to attend.

EDITORIAL COMMENT

Meeting of the American Municipal Association. The American Municipal Association will hold its third annual convention in St. Louis at the Statler Hotel, November 10 and 11. The time and place was arranged so as to permit the delegates to take advantage of the annual meeting of the National Municipal League. The American Municipal Association comprises at present eighteen state and municipal organizations within the United States and the Union of Canadian Municipalities.

The purpose of the organization is to assist the particular state leagues of municipalities in the promotion of approved methods of municipal government through the collection and exchange of information upon municipal subjects. Morris B. Lambie of the League of Minnesota Municipalities is president; Morton L. Wallerstein of the League of Virginia Municipalities is vice president, and John C. Stutz of Kansas is executive secretary.

The meetings of the Municipal Association are open to members of the National Municipal League.

*

A Correction. On page 507 of the September REVIEW is found the astonishing statement that in 1906 New York City had one municipal employee for each 59,000 of the population and in 1926 one for every 52,000 ordinary private persons. It takes no adding machine or Ph.D. in mathematics to recognize in these figures a lamentable lapse in editorial watchfulness. The figures, of course, should have been one in 59 and one in 52, respectively.

An observant reader writes the editor thus:

To the Editor:

The September issue of the NATIONAL MUNICIPAL REVIEW carried a most interesting article, "New York City's Expanding Government", and disclosed some astonishing figures. For example: "New York City has 116,000 employees in 1926, one employee to every 52,000 population." Of a truth the ideal in municipal government has been attained and I ask that you exert to the utmost any influence you may have to put an end to Mayor Walker's Survey Committee. One employee to 52,000 population is too fine a machine for a crowd of amateurs to experiment with; some one will be sure to throw a monkey wrench in the works.

Alas! How disillusioning are cold figures. New York has not six billion population, only six million, one employee to every 52 population. Boy, page the proofreader!

Very truly yours,
C. F. AUFDERHAR, JR.

*

A Public Accomplishment With a Lesson Mr. Caparn, who reviews in this issue the final report of the Bronx Parkway Commission, directs attention to a notable public achievement in favor of health, recreation and beauty. The Bronx River, a diminutive stream, flowing through Westchester County, New York, into the Bronx had become polluted to the point of foulness. Legislation initiated in 1906, but not operative until 1913, established the Bronx River Parkway. This parkway has been constructed at a cost of sixteen and a half million dollars and rarely has public money been spent to better advantage. The beautiful valley is now completely restored as a thing of beauty and a joyforever.

The lesson, as Mr. Caparn points out, is the importance of advance planning and early acquisition of land for park purposes. Irrespective of increases in land values later, the mere process of condemnation, necessary if improvements are not planned long in advance, involves a heavy burden which should be avoided. Much of the land for the Bronx Parkway was acquired by private purchase, but when the owners' prices were exorbitant it was necessary to resort to condemnation. But the expenses of condemnation proceedings averaged $987 per parcel as against an expense of $153 per parcel for acquiring land by negotiations. The average purchase price per parcel in the former case was $9,454; in the latter case $5,366. While these figures are not conclusive they tend to demonstrate that the price of land purchased directly is much more reasonable than in the case of property condemned; and it is clear that the expenses of administration were six times as great in the latter as in the former. In the words of the commission, "These figures show in a striking manner the iniquitous extravagance of the system of condemnation by the employment of commissioners of appraisal." Doubtless the methods of condemnation can be improved, but the real moral of the Bronx Parkway is—Plan Your Parks Before You Need Them.

⁂

Future Government of Irish Cities. John J. Horgan, author of the article in the August REVIEW on local government in Ireland under the Free State, has outlined in the pages of the *Irish Statesman* a model scheme for the future government of Irish cities. Unlike the present municipal government in the British Isles, Mr. Horgan's plan separates the legislative and executive functions. The former are entrusted to a council of five members, elected by proportional representation from the city at large and serving for a term of five years. The executive functions are placed in the hands of a city manager who shall be responsible for the proper administration of the city and who shall make all appointments.

The first manager in each city is to be appointed by the minister for local government; but thereafter the position shall be advertised, and the city council shall forward the applications received to the local government appointments commission, who shall arrange them in order of merit. The council shall thereupon appoint one of the first two so placed. The power of removal or suspension rests with the minister for local government upon proof at a public hearing of a particular manager's incompetence or dishonesty.

Readers of Mr. Horgan's article in the REVIEW will recall that Dublin and Cork are at present governed by commissioners under the direct control of the local government department of the Irish Free State, and it seems that this plan is to be continued for at least a further period of three years. To an American filled with the spirit of municipal home rule, Mr. Horgan's outline for a model form of government seems bureaucratic and over-centralized. His city manager is to have the right of appeal to the minister for local government, if, in his opinion, any rate or rates levied by the council are excessive or inadequate for the requirements of the city. Furthermore, Mr. Horgan practically denies to the city council the power of selecting the manager and takes away from it entirely the power of suspending or dismissing him.

Viewed from the standpoint of the present government of Dublin and Cork, Mr. Horgan's proposal is liberal; but viewed from the standpoint of the freedom enjoyed by an American municipality, the scheme runs counter to some of our most cherished principles.

ARE OUR TAXES BURDENSOME?

BY JOHN A. ZANGERLE
Auditor of Cuyahoga County, Cleveland

Taxes have increased, but not in proportion to increased wealth and luxury expenditures. :: :: :: :: :: :: :: ::

At no time during the nineteen years of my connection with administration of local taxes has there been such a general hue and outcry against the tax burden. The farmer, the retail business property owner, the merchant, the manufacturer, the public utility operator—all are determined that their taxes are too high; each feels his own property is discriminated against and each is willing to be relieved and to see the other fellow additionally burdened. Complaint is lodged not only against the national but also against the state and local burden. Any and all taxes seem to be more and more irritating.

Let us take inventory of the general nation-wide and local conditions. As has frequently been pointed out, the national, state and local tax burden has been rapidly rising and has in fact risen from $17.07 per capita in 1903 to $22.73 in 1913, to $64.63 in 1922, since which time the tax burden has been showing few signs of abatement, since local increases, generally speaking, are taking up any slack resulting from reduced federal exactions. In a general way, it may be stated that the tax burden has doubled in five years and tripled in ten years in localities enjoying no increase in population. This increase in the tax burden, however, is better understood in percentage of income as worked out by the National Industrial Conference Board. For after all, it is not a question of how many more dollars are being appropriated by our public authorities but rather what proportion of our income is taken. Thus we find in 1913 6.4 per cent of the national income was absorbed, while 12.1 per cent was absorbed in 1922. On the basis of these figures each person in this country had to contribute the result of 6 ½ weeks' income in 1922. According to the United States department of agriculture, the taxes on Ohio farms absorbed 30. 8 per cent of the net rent in 1919 and 44.9 per cent in 1922. It goes without saying that if this pace is maintained much longer the time is not far off when ownership of property may represent an empty honor, a devitalized asset—for the real and beneficial ownership will not be in the title holder but in the government.

REASONS FOR INCREASE

It is well known that the main reason for this heavy increase in the tax burden is due, first, to the inflation of money, involving, of course, increased costs of government, and second, to the ever-increasing demands for public service. Better schools, wider curricula, circulating libraries, better roads account for the largest increase. Aside from these main inroads on the public exchequer are the increasing demands for social welfare expenditures. It does seem as though the French philosopher of the eighteenth century, Montesquieu, was right when he said, "Liberty increases government expenses" and Prof. Ely more lately when he said, "As our Government becomes more democratic and socialized, expenses will be increased and as a correlary that the administration of taxes must also become more democratic and socialized."

ARE TAXES BURDENSOME?

On the other hand, contrasted with this mounting tax burden on property and persons, we must take note of the following general industrial and financial conditions in the United States:

1st. Corporations have been forming by leaps and bounds since the year 1913. The yearly average of new corporations has been three to five times the pre-war figure.

2nd. Capital is becoming increasingly abundant. New security issues, excluding refunding issues, have increased from approximately $3,634,000,000 in 1920 to approximately $6,480,000,000 in 1925.

Capital has since the war become so abundant that Uncle Sam is investing several billion surplus capital for garden and play spots in Florida and California. Additional savings are being put into life insurance policies, which has almost doubled since 1921.

3rd. The increasing construction of buildings. 1925 construction in the United States exceeded 1921 by 50 per cent. The 1925 construction permits of our five largest geographical districts, for which such statistical data is available, is six times as large in dollars as for the year 1913.

4th. The increase of the number of deposit accounts, as well as the average amount of savings bank deposits. The savings bank deposits in 1912 in the United States per capita were $89.00; in 1925 they were $204.00. The total savings accounts in the United States in 1912 were $8,425,275,000; they have now reached the $23,000,000,000 mark. The number of savings deposits in 1912 was 12,584,316; in 1922 they were 38,567,994.

5th. The increase in land values in the United States, in city and country. The department of commerce shows that the value of farm lands in the United States increased 92 per cent for the year 1920 over 1910, while the bureau of the census indicated that farm land had increased from $39.60 per acre in 1910 to $69.38 in 1920. While there has been some loss since 1920, the percentage of increase over pre-war values is still considerable. As to urban property, it is well known that land values have increased enormously since 1913. This will be found to be the case all over the United States, more of course in growing cities than elsewhere, which, having in mind the growing tax rates, is remarkable and significant indeed. It should be remembered that the value of land aside from the effect of the market rate of money increases only because the estimated present and potential income increases faster than the present and expected taxes and other expenses. The increase is still more remarkable in view of the fact that the cost of building construction has risen disproportionately to the price of commodities in general, thus tending to depress land values.

6th. The increase in wealth in the United States. Census figures show the wealth of the United States increased from 186 to 320 billions or 72.2 per cent from 1912 to 1922, during which time wholesale commodity prices increased somewhat less, viz. about 60 per cent.

7th. The unparalleled increase in the consumption of luxuries, e. g. radios, fur coats, candy and tobacco. The tobacco, ice cream and candy bill in the United States equals the total amount of the federal tax burden. Or comparing it with the expense for education in the United States, we may say that the candy and ice cream bill exceeds the cost of education. Expenditures for the movies have carried the motion picture industry to fourth place in the rank of United States industries. Indeed, it is contended by many writers that our taxridden era will be known in history as an age of dance, play, leisure and luxury.

8th. Amazing increase in the use of auto cars in the United States. While ten years ago there may have been one passenger car for every twenty persons, there is probably one car for every five persons in the United States today. The cost of maintaining and operating passenger automobiles in the United States exceeds the entire local and state burden. A study by the University of Oklahoma shows that the total tax burden for state, county, local and federal purposes for the year 1922 was $80,000,000, in Oklahoma, while the automobile bill in the same state is about $107,000,000; in other words, about 33 per cent more is spent for automobiles than for government.

The cost of operating and maintaining 150,000 passenger cars in Cuyahoga county, Ohio, at $508.00 per car per annum, the estimate of the National Automobile Chamber of Commerce, would equal the entire local and state tax burden in this county. This auto indirect tax is assumed without grumbling or complaint.

BURDENS LIGHT COMPARED WITH EUROPE

In general, therefore, we note industrial and financial phenomena absolutely at variance with any theory of any serious burdensomeness of taxes in general. From these visible effects, it would seem that the economic benefits of American civilization had far transcended all governmental burdens.

So when we compare the tax burden in the United States with other European countries we find the tax burden relatively light here. According to the National Industrial Conference Board, total taxes per capita, national and local, for the year 1923–1924 were 11.5 per cent of the national income in the United States, compared with 23.2 per cent in the United Kingdom; 20.9 per cent in France; 19.2 per cent in Italy and 17 per cent in Belgium. These figures are certainly high compared with our 11.5 per cent, but they are even higher than the mere percentages suggest, since the range of individual incomes is lower in Europe and more nearly approximates a minimum standard of existence.

While we may thus be forced to the conclusion that no general depression has arisen through tax distressing requirements this in no way disproves that tax increases may not be burdensome to certain branches of industry, or to buyers of farms or real estate in cities speculating on a rise, or to financial investments in certain localities. It does not disprove that certain states or cities may be working under an undue handicap.

THE CHICAGO PRIMARIES OF 1926

BY CARROLL HILL WOODDY

The story of a primary election celebrated for lavish use of money, mud-slinging, irrational appeals to voters and absence of civic interest.

THE nominating system of Chicago and Cook county is the result of a legal evolution beginning in 1885 with the passage of an optional delegate primary law. In 1898 an improved delegate primary system was made compulsory in Cook county. In 1905 began a series of efforts to secure the direct primary. Statewide compulsory delegate primary laws passed in 1905 and 1906, and a direct primary law passed in 1908, were all declared unconstitutional. A valid law was enacted in 1910, and, as amended in 1913, remained substantially unchanged in 1926. The chief alterations since that time dealt with judicial offices, circuit judges being restored to nomination by convention, except in Cook county.

THE LINE-UP THIS YEAR

These laws, due largely to dissatisfaction with so-called "machine" control of politics, were passed against the opposition of professional political leaders, who again, in 1926, initiated efforts to test the direct primary in the courts. But in spite of the expectations of its advocates, the direct nominating system did not destroy the political factions in Chicago. The three major Republican groups in existence at the beginning of the twentieth century, led by Deneen, Lorimer and Busse, continued with shifting alignments through the period. In 1926 the chief Republican leaders Deneen, Crowe, Barrett, Brundage, Thompson, Lundin and Governor Small, formed two combinations for the primary contest; Small and Lundin supporting Deneen, and the remaining four acting together. In the Democratic ranks, George Brennan, successor of Roger Sullivan as Democratic "boss", was the dominant leader. Although his control was challenged by a protesting group calling itself the "Democracy of Illinois", led by ex-Governor Dunne, William L. O'Connell and Carter Harrison, Brennan was overwhelmingly successful in the primary. Though each of the group professed to be the authentic representative of its party, they were chiefly actuated by a desire to control the spoils, patronage and perquisites associated with public office. A long ballot and the absence or perversion of the merit system supplied rich incentives to the spoils politicians, particularly in the sanitary district, South Park commission, boards of assessors and review, and certain other county and city offices.

The persistence of strongly intrenched party factions discouraged independent candidacies and made the 1926 primary election chiefly a ratification of slates submitted by the leaders. Little influence could be exerted by the party voters except where a sharp factional contest within the party appeared, and here it was conditioned by the quality of the candidates composing the factional slates. These were named by slate committees resembling pre-convention caucuses of party leaders. Candidates were selected by a process of bargaining resulting in a list satisfying, in roughly equitable fashion, the demands of leaders, sections, groups and classes for recognition.

THE WORLD COURT AND THE COUNTY TICKET

To conceal their selfish objectives and lack of real principles and the unfitness of many of their candidates, the factions based their campaigns upon appeals which were largely irrational, and presupposed the indifference, ignorance, unintelligence and emotionality of the electorate. The world court question was the principal issue between the Republican senatorial candidates; the violent newspaper campaign against the court enabling the Crowe-Barrett-Brundage-Thompson group to mobilize anti-court sentiment in favor of their county ticket by pretending that it was necessary to vote for their candidates in order to protest against the world court. While McKinley was beaten probably because of agricultural discontent down-state, the court question helped Smith to win in Cook county and greatly aided the C-B-B-T ticket. Both McKinley and the Deneen group back of him sidestepped the court issue. The latter charged their opponents with having made "bi-partisan alliances" with the Brennan Democrats, with responsibility for crime conditions because of "alliances between crime and politics", and with being guilty of mismanagement and corruption in the sanitary district and other governing bodies. While these charges, as shown later by the revelations of the recount and the grand jury investigation, were founded on truth, they failed to carry weight because the Deneen group, which made them, had accepted the support of Fred Lundin, a discredited politician, and Governor Small, whose pardon and parole record had recently attracted much criticism and who had just been held accountable for a million dollars in interest due the state. The prohibition question was made an issue, chiefly by the Democrats, but had little effect in the primary. All of the groups made efforts to gain the support of special sections of the electorate: farmers, business, ex-service men, women, racial, religious, fraternal and local groups.

CIVIC GROUPS INEFFECTIVE

The importance of fitness for office on the part of candidates was recognized by the factions chiefly through mud-slinging attacks on particular opponents. The chief contributions to the cause of good government came from civic organizations, such as the Better Government Association, Citizens' Committee of 200, Legislative Voters' League and a number of others, including certain women's groups, and from the newspapers. The latter, however, did not uniformly act in the public interest, the Hearst press in particular contributing largely to the irrational and destructive forces present in the campaign. The civic groups were ineffective in securing the nomination of the candidates recommended by them, largely because they lacked personnel and organization, while the campaigns of the factional groups were carried on by armies of well paid workers, often provided with jobs at the public expense, their activities directed by county committees with central headquarters, with cooperating clubs or organizations in all of the wards. The technique of campaigning employed resembled that of a general election, including both printed publicity and mass-meetings, the latter being characterized by the use of political repartee, slogans and catch phrases, and the simplicity and lack of variety of the appeals.

AN UNINTELLIGENT CAMPAIGN

A survey of the primary election as a whole reveals a number of important conclusions. In spite of active campaigning, the indifference of the voters was not overcome, little more than half of those registered participating. The victory of Smith was due to popular sentiment in his favor, developed, however, by appeals that were largely irrational. In the local campaign, the winning faction owed its victory to superiority in resources and workers. Voting on the whole was indiscriminate and unintelligent, the best qualified men were not uniformly nominated, the election was meaningless as an expression of public opinion. The voter was obviously so overburdened by the long ballot, created by the complicated governmental system, that he was unable, even if competent, to make wise selections.

While there were few minority nominations, the primary law and the electoral procedure under which the primary was carried on revealed serious defects. The election of party committee-men proved ineffective as a device for securing popular control of party organization. Party factionalism was sharpened, though this was not held to be important in purely local campaigns. The expensiveness of a primary campaign was revealed by the Reed committee investigating the senatorial primary, over a million dollars having been spent in the senatorial and county campaigns. The existing system of registration, the method of placing names on the primary ballot, and the procedure for selecting election officials were revealed as dangerously faulty, and other technical loopholes in the law were exposed.

Although the unsatisfactory nature of the existing nominating system was clearly demonstrated, the abolition of the direct primary was not regarded as desirable. Among suggestions for improvement of the local political situation are included proposals for consolidation of local governments with non-partisan elections, a short ballot, a genuine merit system in the civil service, the encouragement of voluntary civic agencies, and the patient development, through education, of a more enlightened and vigorous type of citizenship.

ST. PAUL ADOPTS A STABILIZED WAGE

BY JOHN B. PROBST

Chief Civil Service Examiner, City of St. Paul

Municipal salaries have been standardized and are adjusted each year in accordance with changes in the cost of living. :: :: ::

The economic upheaval of the past decade had made it imperative throughout the world to make certain adjustments in the wage payments of workers. Due primarily to the absence of a monetary unit having a stabilized purchasing power, much strife and suffering have resulted from the periodic struggles between capital and labor to obtain, or to retain, a decent living wage for the employed. If labor's reward had always been based on a properly stabilized wage, changes in the cost of living would not have been felt by the worker and a main cause for the unprofitable economic warfare between him and his employer would not then have arisen.

During the past ten years the employees in private industry had a distinct advantage over those in the public service in securing an equitable wage. The fixing of government salaries is not generally susceptible to such easy and rapid changes as take place in private employment. Municipal salary changes are slow, erratic, and notoriously lacking in uniformity. To bring about some measure of justice for the public employees, considerable thought has been given in recent years to the devising of schemes for standardizing their salaries.

ANNUAL ADJUSTMENTS SINCE 1922

Standardization usually implies the fixing of a fair living wage, plus a practical application of the principle of "like pay for like services". Many cities have attempted, and some have adopted, some sort of salary standardization. The city of St. Paul, however, not only adopted a standardization, but has also had in effect since the year 1920 an adjustable plan,—a plan that provides for annual adjustmen in salary based on the rise and fall in the cost of living. The adjustable standardization in operation at the present time was adopted in October, 1922, and has been rigidly adhered to since then, with only minor changes. Although our civil service bureau has no jurisdiction in the matter of fixing salaries, this adjustable plan, as devised by our bureau, was voluntarily adopted by the city council as a companion measure to the revised civil service classification which the bureau prepared and presented to the council for its approval in October, 1922.

Our standardization contains twenty-six standard salary rates, as shown in the summary below:

	Basic Entrance Salary (1916)	Adjusting Percentage Increase to Offset Cost-of-Living Increase Since 1916	Adjusted Entrance Rate to June 30, 1925
STANDARD RATE No. 1	$32.50	52	$49.40
" No. 2	40.00	52	60.80
" No. 3	45.00	52	68.40
" No. 4	50.00	52	76.00
" No. 5	55.00	52	83.60
" No. 6	60.00	52	91.20
" No. 7	65.00	52	98.80
" No. 8	70.00	52	106.40
" No. 9	75.00	52	114.00
" No. 10	80.00	52	121.60
" No. 11	85.00	50	127.50
" No. 12	90.00	48	133.20
" No. 13	95.00	46	138.70
" No. 14	100.00	44	144.00
" No. 14½	105.00	44	151.20
" No. 15	110.00	42	156.20
" No. 15½	115.00	40	161.00
" No. 16	125.00	40	175.00
" No. 17	150.00	34	201.00
" No. 18	175.00	30	227.50
" No. 19	185.00	28	236.80
" No. 20	200.00	26	252.00
" No. 21	225.00	22	274.50
" No. 22	250.00	18	295.00
" No. 23	300.00	8	324.00
" No. 24	375.00	(Flat Rate.—Not entitled to adjusting or seniority increases.)	

The year 1916 was taken as a base because, so far as could be learned at the time, the consensus of opinion among leading economists was that the level of prices would return, not to a pre-war basis, but in all probability to the level that prevailed in 1916. The basic minimum rate is the salary that, under conditions such as prevailed in 1916, was deemed fair and equitable for the class or group of positions to which the rate is applied. To this basic rate was then added a percentage increase for the purpose of ascertaining the proper rate of pay for the year 1922, when the plan was adopted.

UNITED STATES' INDEX NUMBERS USED

The percentage increase was determined by calculating the increase in the cost of living for the average family in 1922 over the cost in 1916, as shown by the index numbers published by the United States bureau of labor statistics. The full percentage increase, however, is only allowed to the lower-paid employees, and this on the popular theory that the higher-paid are not affected so seriously by a rise in the cost of living. The standardization then provides that adjustments shall be made in June of each year and that these adjustments shall be based on the latest available statistics secured by the labor bureau through its periodic cost-of-living surveys.

Twenty-six standard rates are now in use for our entire classified civil service. The council allocates to each of these twenty-six rates certain grades of positions, as shown in the civil service bureau's classification. For example, the council ordinance relating to Rate 12 reads as follows:

> Standard Rate No. 12 shall be payable, as provided in this ordinance, as a current adjusted entrance rate of $133.20 a month in each position classified in the following grade of service:
>
> Grade 2 of Fire Service
> Grade 3 of Police Service
> Grade ... of Library Service
> Grade ... of Clerical Service
> Etc.

"Grade 2 of Fire Service" includes the titles of fire fighter, fire chauffeur, and fire prevention inspector; "Grade 3 of Police Service" includes the titles of patrolman, police chauffeur, police operators, and several others. Individual positions or titles are not mentioned in the ordinance at all; the only reference is by "grade" and "service". Whatever rate of pay is applied by the council to a particular grade of service must apply uniformly to all the positions in such grade, that is, salaries must be fixed by grade and cannot be fixed for individual positions or titles. The basic rate of pay, for instance, could not be changed for police operators without also changing it for the patrolmen, police chauffeurs, and others in that grade of service, unless of course there were a reclassification of the title of "police operator" by the civil service bureau.

BENEFITS

It would be difficult to enumerate all the benefits accruing from our adjustable salary plan. Among other things, it has brought about greater harmony and contentment among the city's working force; it has done away with the haphazard granting of salary increases in response to pleas of higher living costs; it has provided the council, the employees, and the public with a readily accessible means of determining any compensation rate in the city employment by reference to a single ordinance embodying a uniform plan. Most important, it provides the council with a definite, certain, and equitable method of *reducing* salaries as well as *increasing* them, and in this respect it will be a prime necessity when the time comes to reduce salaries, and to reduce them without politics, favoritism, discontent, and general demoralization of the service.

Of course, it is but natural that the plan should have worked well up to this time, because the annual adjustments that have been made since 1922 have been upward. Even though the increases were slight, they were nevertheless on the sunny side for the employees. It cannot be denied that the crucial test of the plan will take place as soon as one of the annual adjustments calls for a revision downward. It is a firm belief, though, that inasmuch as the employees of the city have virtually entered into an agreement with the taxpaying body, through its representatives in the council, to accept and abide by the adjustable salary plan, that these same employees will stand by their agreement with the taxpayers and,—cheerfully or reluctantly,—accept the bitter with the sweet. In fact, it is difficult to understand how the employees can very well do anything else, and it is still more difficult to conceive of the city council justifying itself before the voters in case it should fail to make the adjustments on a declining scale just as promptly as it made them when the revision was upward.

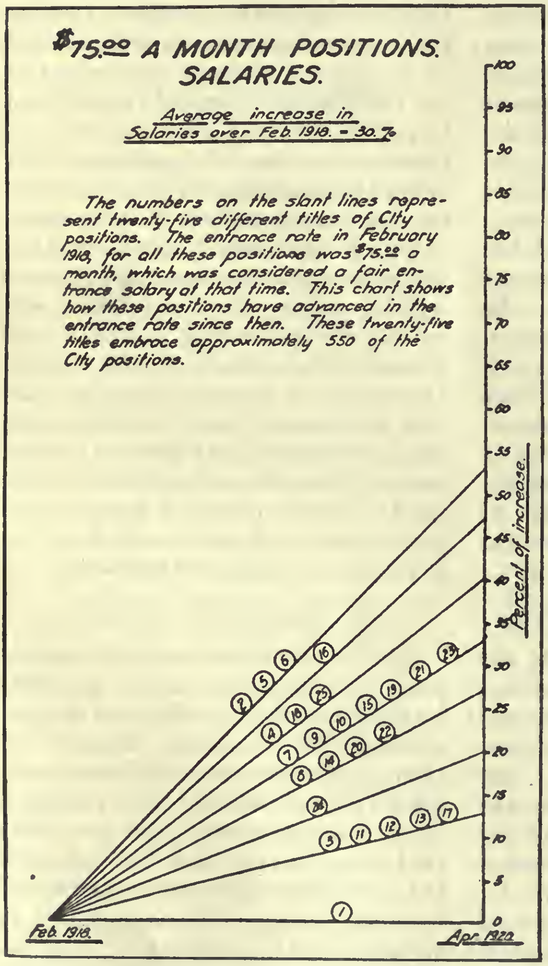
PROTECTION TO ELECTIVE OFFICIALS

Whether the elective officials are conscious of it or not, the plan has unquestionably been of material aid in surrounding them with an atmosphere of comparative calm. They have been singularly free from the pleadings, the pressure and the demands that usually attend most other plans of fixing compensation rates for public employees. They have spared themselves many a painful hour of controversy with respect to the fixing of individual salaries, have avoided making many political enemies, and have found much more time to devote to constructive work for better government. They have thus been able to serve the community more efficiently and, incidentally, with a better record with which to make a legitimate appeal for re-election.

Prior to the adoption of this plan, the various departments each had its own administrative ordinance in which was fixed the compensation for the workers in that particular department. Confusion, uncertainty as to authority, frequent requests for interpretations by the corporation counsel, time wasted by employees through discussions of the various advantages of employment in one department over another,—all these and other ills resulted. Any fixing of compensation rates by numerous bodies, when there is no co-ordinated action or salary standardization, will always produce dissatisfaction and injustice among the personnel, as well as wastefulness and a general breakdown of the morale of the service. Under the old system it required likewise a separate council ordinance to change the rate of pay for each department. Now, one amendment suffices for the entire classified service, and what is more, the amendment is sure to affect all the employees uniformly.

PREVIOUS CHAOTIC CONDITION

To illustrate what usually happens in a municipality when salaries are fixed by administrative ordinances for individual departments, instead of through some uniform ordinance covering all departments, there is reprinted below a chart showing the condition that existed in our own city just prior to the adoption of our adjustable salary standardization. The chart refers to various titles of positions by number, embracing approximately 550 employes. These twenty-five positions had been fairly graded within a single group as positions of equal value to the city. That was in February, 1918. From that date to August, 1919, the rate for all these positions remained the same. But from August, 1919, to April, 1920, during a time when the councilmen preferred to change salaries for their individual departments, according to their own discretion,—as was their prerogative,—the positions as indicated on the slant lines were increased as there shown. Three of the positions were given an increase of 53 per cent, while one position was given no increase at all. To prevent conditions of this kind, with all the attendant evils that follow, the adjustable salary standardization now in effect was born; and, with pardonable pride, it is hoped was not born to meet an untimely death.



The numbers on the slant lines represent twenty-five different titles of City positions. The entrance rate in February 1918, for all these positions was $75.00 a month, which was considered a fair entrance salary at that time. This chart shows how these positions have advanced in the entrance rate since then. These twenty-five titles embrace approximately 550 of the City positions.

Chart Showing Inequalities Before Adoption of Stabilized Salary Standardization.

It is likewise a curious fact that, although the great bulk of the appropriations of any municipality is expended for salaries and wages, very little will be found in most present-day charters in the way of restrictive provisions on the expenditure of this huge amount, nor any real safeguards to insure its being paid out equitably and economically. Our own city charter contains 140 pages, with possibly less than a half dozen referring in any way to the fixing or control of salaries and wages. If there is eliminated from our budget in the city of St. Paul such items of interest charges, sinking fund requirements, lands, and new construction, it will be found that of the remainder,—which might well be termed the net operating expenses of the city,—eighty-five per cent is expended for salaries and wages. This condition must evidently be quite similar in most other cities.

Our charter does contain a sentence that "remuneration of persons in the employ of the City of St. Paul shall be uniform for like services in all departments" but it has never been determined just who is charged with the duty or with the power of enforcing this provision.

It manifestly behooves charter framers to place considerably more emphasis on a proper control of the expenditure of this eighty-five per cent of the net operating budget of a municipality.

UNHAPPY REVELATION IN DISTRICT OF COLUMBIA'S GOVERNMENT

BY FRED TELFORD
Director, Bureau of Public Personnel Administration

Recent disclosures show that municipal government in the Nation's Capital is not all that it should be. One commissioner has resigned. Another commissioner and president of board of education are involved.

VOTELESS Washingtonians have been frequently assured by persons purporting to speak with some authority that under their form of government, with Congress acting as the legislative body and three commissioners appointed by the President in charge of administrative affairs, they fare reasonably well as compared with residents of other cities. They have been told that even if no exceptional degree of competence in handling municipal affairs has been attained they may congratulate themselves on having an honest, reasonably efficient city government. Discriminating residents and tax payers of Washington have for some years received such assurances with the tongue in the cheek. Their skepticism seems to be more than justified by the disclosures of the last year and particularly by the investigations and reports of three congressional investigating committees which have led to the resignation of Commissioner Frederick A. Fenning and to committee condemnation of some of the practises of Commissioner Cuno H. Rudolph and of Edward C. Graham, president of the board of education.

CONGRESS INVESTIGATES

During a good deal of the late winter and early spring three separate congressional committees—one a sub-committee of the house committee of the District of Columbia, one the house committee handling affairs relating to veterans, and one the house judiciary committee—were looking into District affairs from one angle or another. Representative Blanton of Texas, who is a member of the District sub-committee, filed thirty-four formal charges against Commissioner Fenning asking for his impeachment, which were investigated by the house judiciary committee. Both the District sub-committee and the veterans' committee looked into Mr. Fenning's activities as committee for insane veterans confined at St. Elizabeth's Hospital in Washington. The District sub-committee also investigated District affairs in general.

The majority report of the house judiciary committee held that Mr. Fenning was not a federal officer and was therefore not subject to impeachment. It held that Mr. Blanton's thirty-four charges either were not sustained, or were not supported by testimony, or were not proved to be violations of the law. It took occasion, however, to condemn a number of Mr. Fenning's practises as well as those of other officers of the District who "transact business with the District through corporations in which they are directly or indirectly interested." According to the majority report "this is a practise which is subject to severe criticism and condemnation and if continued necessarily leads to favoritism." The minority reports were not so favorable to Mr. Fenning; he was held to be a federal officer and his impeachment was asked for because of his alleged improper activities.

GUARDIAN OF INSANE VETERANS

Mr. Fenning's activities as committee or guardian for insane veterans received most attention. It was brought out that he was acting as committee for approximately one hundred insane veterans; that he was appointed in a large number of cases upon the recommendation of Dr. William A. White, superintendent of St. Elizabeth's Hospital; that these recommendations in many cases were prepared in Mr. Fenning's office, sent to Dr. White, signed by him, forwarded to the court, and there carried out, all in a more or less perfunctory fashion; that Mr. Fenning's charges were regularly ten per cent of the income of the veteran and in some cases much higher; that his charges often exceeded the amount spent for the veterans for all other purposes; that his total income from this source for several years amounted to approximately $20,000 a year; that "by reason of the great number of his wards his guardianship became impersonal and he could not and did not give to his wards that personal care and supervision which after all is the more important function of a guardian or committee"; that in giving bonds for the estates of his wards he acted as representative of the bonding company and himself received one-fourth of the premiums charged; that he acted as attorney for an undertaking company which buried some of his wards when they died; that he was a stockholder and director in the bank in which his wards' moneys were deposited; that employees in his office received notary fees paid by the veterans; that relatives and friends were paid medical and legal fees; and that in other less important ways Mr. Fenning was able directly or indirectly to "cash in" on his guardianship practise. It was also brought out that he and Dr. White have for years been partners in the business of buying notes and in real estate deals and that they have a joint bank account. Except for receiving one-fourth of the bond premiums, the majority report held that Mr. Fenning had not acted illegally; as is pointed out above, however, it severely condemned a number of his practises from ethical and professional points of view.

The minority reports held that he was a federal officer and should be impeached because of alleged violations of law. In the opinion of some Washingtonians, the most damning thing in Mr. Fenning's activities was his practise of staying within the strict letter of the law while indulging in practises regarded by social-minded citizens as questionable.

PRIVATELY INTERESTED IN PURCHASES

In the course of the investigation it was brought out that Commissioner Rudolph and Mr. Edward C. Graham, president of the board of education, own stock in corporations that sell goods to the District or to the board of education. In the hearings Commissioner Rudolph first claimed that his firm secured only its proportion of the hardware business but later it was brought out and admitted by him that in recent months his firm had furnished approximately three-fourths of the hardware purchased by the District.

As a result of the investigations, a law was enacted providing that no person could act as committee or guardian for more than five veterans and Mr. Fenning is no longer commissioner.

INEFFICIENCY AND CLIMBING TAXES

The District sub-committee concerned itself with various other matters of importance to residents of the District, including the system of assessments and tax collections, the administration of the police department, the making and enforcement of traffic regulations, street paving and repairs, and the fiscal relations between the District and the federal government. Its investigations disclosed that in these various fields all is far from well. The tax problems are most acute, due to the fact that an ambitious school building program has been undertaken and expenses are otherwise growing rapidly, while the contributions made by the federal government are decreasing both absolutely and relatively; consequently the tax rate is mounting by leaps and bounds. In preparing the District budget for the fiscal year 1927–28 it was brought out that some 3000 children living in suburbs outside of Washington are furnished school facilities free; in other words, at a time when many of the children of school age in Washington are without proper school facilities and are actually spending the school day in portable temporary buildings, the District is furnishing without charge to outsiders the equivalent of ten eight-room schools.

The assessment system was discovered by the sub-committee to be far from perfect, due both to the custom of making biennial assessments of real estate and to the common and unequal under-valuation of property; a provision of the appropriation bill, for example, forbids the purchase of school sites for more than twenty-five per cent above the assessed value, and in practise this has made it all but impossible to purchase sites. Court decisions had taken away from the director of traffic the right to deal with certain important problems, such as the establishment of speed limits and the regulation of pedestrians; for several months, in fact, there were no valid drivers' permits in force for those operating automobiles in the District because the old permits had expired and congress had made no provision for the issuance of new ones. Frequently it was charged that the police would not co-operate in enforcing traffic regulations or else showed an undue zeal in making arrests for minor infractions, such as parking overtime.

RESIDENTS ARE HELPLESS

Neighborhood civic organizations have concerned themselves with such additional matters as the elimination of railroad grade crossings, improving methods of inspection for assuring that pavements put in by contract will stand up under ordinary traffic for a reasonable time, the prompt and economical repairing of streets, the early completion of extensive improvements in the water system, the substitution of electric for gas lighting of streets, and securing water and sewerage systems and improved streets for extensive developments which have been recently built up and now have a large and growing population.

The helplessness of the residents of the District in the face of these disclosures of inefficiency and waste is, perhaps, most strikingly shown by Mr. Fenning's continuance in office and in the performance of his regular duties for months after those who had followed the case were informed of his practises. When the truth of at least some of Representative Blanton's charges began to be apparent, Mr. Fenning asserted that he had told President Coolidge at the time of his appointment that he had a private practice which he was unwilling to give up and that President Coolidge acquiesced in his keeping up his law practise; a statement from the White House declared the President had no distinct memory of what was said in the conversation. Allegations were frequntly made and seldom denied that Mr. Fenning owed his appointment to the "Big Five," one of whom is Edward F. Colladay, the District of Columbia's member in the National Republican Committee. Throughout the months of investigation President Coolidge maintained a policy of silence and apparent indifference, though not long ago, when the senate requested him to remove Secretary of the Navy Denby, he stated that he accepted responsibility for the acts of his appointees. The newspapers did frequently report, however, that he was having the department of justice watch developments; they also reported about the middle of July that he had requested Mr. Fenning's resignation. Early in August he appointed as Mr. Fenning's successor Procter L. Dougherty, who has been active in the work of citizens' associations and who was a member of the Citizens' Advisory Council; it was reported in the newspapers that Mr. Dougherty was not the President's first choice. Mr. Dougherty, when sworn in, announced the severance of his business connection (he had been with the Otis Elevator Company) and his intention of giving all of his time to his duties as District commissioner.

CITY MANAGER GOVERNMENT?

Some of those active in civic organizations, and the Better Government League as an organization, have urged that the city manager form of Government for the District be adopted as the best—or, indeed, the only—means of preventing conditions like those described above and of securing a degree of competence in municipal affairs which will give the residents and tax payers of Washington the type of municipal government to which they are entitled. A voluntary organization has been formed to call the attention of the country to the plight of voteless Washington in taxation, public works, and other matters of municipal administration. Mr. Dougherty's appointment undoubtedly has given a great impetus to the work of civic organizations. The fact remains, however, that in Washington the residents are far, far removed from those who make legislative and administrative decisions and are, in fact, at the mercy of bodies and individuals with little understanding of their needs and problems and, as often as not, with a rural rather than a city turn of mind. This appears to be the time for a thorough investigation of District affairs, with a facing of the facts as they exist.

SHOULD GIANT POWER BE UNDER PRIVATE OR PUBLIC OWNERSHIP?

I. PRIVATE OWNERSHIP UNDER PUBLIC REGULATION[1]

BY PHILIP P. WELLS
Deputy Attorney General, Commonwealth of Pennsylvania

A plan for private ownership under reasonable and attainable regulation. :: :: :: :: :: :: :: :: ::

HE who would understand the power problem in economics and politics should begin with the address of Steinmetz before the Franklin Institute a dozen years ago. With masterly clearness and brevity it showed that electricity, by giving mankind, for the first time in history, the means of transporting energy, would create a new economic order. It foretold not only the regional systems that we now see in the making, but also the future nation-wide electric network which will bring power, as the steamship and railroad bring goods, to every man's door, in any desired quantity, of standard form and quality, and at standard prices. It warned us against a repetition of the blunders and abuses of the era of railroad expansion. From the fact that electricity cannot be stored it deduced the unique necessity of complete monopoly in electric service, because when all power demands are supplied from a single pool of power we have the maximum diversity of use and thereby the nearest approximation to keeping the equipment busy all the time (in technical terms the highest "capacity factor").

We are dealing with the disposal and use of natural resources and the supply of their products in public service. The power resources are falling water and coal (for in a long view petroleum and natural gas may be neglected). Electric current generated by water power and that generated by steam are identical in physics and economics, but under our laws the rights of the public over the two power sources are very different. What is wanted is a sound economic plan of disposal, use and regulation, with adequate legal devices to make it effective both as to water power and as to coal.

Running water is not susceptible of private ownership, and although it may be the subject matter of limited private rights the sovereign states retain large powers over it. By reason of the federal authority over navigable rivers as highways of interstate commerce and of federal land ownership of the water power sites in the mountains of the West, federal license is necessary for the development of three-fourths of the undeveloped water power of the country. The Federal Water Power Act of 1920, by imposing conditions on the license, has set up a new economic policy.

State authorization for the use of the stream is the first requisite for a federal license. States and municipalities are preferred as licensees to all other applicants and exempted from rental charges. Licenses are limited to fifty years, after which the site and works may be "recaptured" by the government on payment of the net investment. Full and prompt development is required. Licensees must contribute equitably to up-stream storage reservoirs in proportion to the benefit of increased flow derived from them. Private licensees pay a nominal rent plus all profits in excess of a fair return on the net investment. They must submit to regulation of rates, service and security issues by the proper state agency; or by the Federal Power Commission where and to the extent that no state agency is empowered, or if and so far as the agencies of two or more states disagree as to the regulation of the output in interstate commerce. The net investment must be taken as the rate-base for purposes of state regulation of rates.

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[1] In this paper "cost" should be understood to include a fair return to the investor in the utility.

REGIONS WITH LITTLE WATER POWER

The greater part of the power demand of the northeastern states must be supplied by coal now in private ownership. Neither state nor nation has authority over its disposal like that over water power, but by offering liberal charters corporations may be induced to undertake large scale power development in the coal fields for state-wide supply, and to these charters may be attached conditions like those of the Federal Water Power Act. Proposed legislation of this kind in Pennsylvania would allow the incorporation of giant power companies with extraordinary powers: To build and operate generating stations of great size in the coal fields, also lines of very high voltage and very great capacity; to transmit the output for sale to major power utilities of the ordinary type; as an incident to these operations, to condemn lease-holds in coal deposits; to condemn other property; to recover by-products of coal before burning and sell the same; to sell coal as a means of disposing of the higher grades while reserving the lower for by-product recovery and power production; to purchase surplus power from all producers at fair prices not exceeding the cost of production in the giant power stations;—all these powers to be exercised under state permits like federal water power licenses (50 year term, recapture at the end of the term upon payment of the net investment, public control of service, security issues and rates, the par of all securities issued not to exceed the net investment, the fair return to be computed upon the net investment as the "rate-base," etc.).

Giant power plants (steam-electric) so operated should be able, in the course of time, to carry the base-load of a state having little water power, such as Pennsylvania; also to deliver energy to the major transmission systems of the ordinary type at a price lower than the present cost of generation in the relatively small units now in service.

HOW THE SYSTEMS SHOULD BE ORGANIZED

Since electric service is essentially a monopoly which should be regionally organized to obtain power at the lowest possible cost by constituting each region a single pool of power into which all output is poured and from which all power consumption is drawn, public policy should seek means to induce or compel pooling and to control the resulting monopoly. The first step to this end is to make each state a single pool of power, the second to unite the state pools in a regional pool. To obtain a state-wide power pool with a minimum of interference with the company systems that have been or may hereafter be built up, each state should be divided by administrative authority into districts, upon the basis of existing and future major transmission lines, so that every acre of the state is within some one district. Let us call them transmission districts. Upon the operator of each such line, whom we may call the transmitter, should be imposed the duty of supplying all power demands within his transmission district through local public service distribution systems, whether owned by the transmitter, by other private owners, or by the public. In other words the transmitter will be a public utility for the service at wholesale of current at cost to all distribution systems in the district, including his own, without discrimination among them. He may generate his own current but should of course purchase it to the extent that he can obtain it in that manner more cheaply. In states having large coal deposits or great water powers his base-load requirements can probably best be met by reliance upon the companies engaged in mass production at the source; in other states by the importation of the output of such mass-producing companies.

Upon the transmitter should be imposed the further duty of a common purchaser of surplus power from all producers in the transmission district to the amount of the demands by the local distribution systems upon the transmitter and at rates regulated by public authority, but in no case higher than the transmitter's own cost of generation or the cost to him of wholesale current from mass producers at the source.

Thus each transmission district will be a pool of power into which all power produced therein is poured and from which all demands are supplied, but the burden of supplying territory not now served will be generally left to local initiative in the construction and operation of local distribution systems. All these district pools will be united in a single state-wide pool by interconnection with each other and with the mass producers at the source.

The problem of unserved territory is, in the main, the problem of rural electric service. Most of this territory is within the monopolistic charter limits of companies which, as a matter of fact, are not serving it. Whether the charter holders cannot or will not serve it is immaterial. Charters should be annulled as to territory not served and not likely to be served in the near future, this by administrative procedure after due notice and hearing. This would put an end to speculation in paper charters by destroying their nuisance value. It would deprive the charter-holder of nothing substantial that he should rightfully have.

As to territory remaining within charter limits, the company should be required to serve it at cost. To this end the public service commission should standardize the duty of making extensions, including the contribution, if any, to construction cost, that should be made by the persons served; and should also standardize both the form and the amount of the rates to be paid for the service. Its authority should be enlarged by statute to the extent necessary for these purposes.

As to territory not chartered, or within limits where former charter rights are annulled, the burden of distribution should be thrown on local enterprise. The state should authorize the creation of rural electric districts for the service of their inhabitants under local public ownership, these to have taxing and borrowing power; also of mutual electric companies for the service of their members, and incidentally of others, upon the co-operative principle (one-man-one-vote; division of profits among members in proportion to consumption of power). To each such locality should be left the choice between the district form and the co-operative form of local organization. The transmitter should be required to serve current at wholesale to both rural electric districts and mutual electric companies at the average cost to the transmitter of generation (or purchase) and transmission over his whole system, plus such additional payment as may be equitable in cases, if any there be, where service to the rural district or rural company lowers the capacity factor of the transmitter.

EFFECTIVE REGULATION

The beneficial working of a privately owned state-wide power pool so constituted depends on effective regulation. Under this head notable changes in existing practice are essential to success. As an initial step many matters not now generally within the scope of regulation should be brought under it. The restriction of commission jurisdiction to the regulation of operating companies only is a serious defect. Upon what principle is an owner of facilities which he has dedicated to the public service and leased to an operator, thus avoiding all risk and responsibility, exempted from the restriction of his profit to a fair return? How can there be effective regulation when the real corporate authority, the holding company, hides behind the operating company and so escapes all responsibility? Lessor companies and holding companies must be brought within the scope of regulation; also contracts of promotion, construction and brokerage. Continuing contracts of lease, management and the like must be brought under continuing supervision by empowering the public service commission to reform them as justice to the parties and the public may from time to time require.

Coming to the regulation of the operator as to service, security issues and rates: With respect to service the authority of the state commissions comes nearest to adequacy. Nevertheless the Pennsylvania Electric Association recently denied the authority of the commission to exercise its initiative by standardizing the duty of the companies to extend service to farms and the duty to pay the whole or a part of the construction cost of the extensions. Such authority and initiative should be put beyond the question by whatever statutory amendments may be necessary.

RATE BASE MUST BE CLARIFIED

A fundamental defect in the present method of rate regulation is the rule imposed by the supreme court of the United States whereby the base upon which the company's "fair return" is to be estimated by the state commissions in rate making is not the amount invested in the property but its value at the time of regulation. The "rate-base" is a variable, fluctuating with every increase in land and resource value, every hypothetical change in current construction costs for labor and for the material found in the structures and equipment at the time of regulation. In making this far-fetched deduction from the clause of the Fourteenth Amendment to the federal constitution which forbids the states to deprive any person of life, liberty or property without due process of law, the supreme court was conveniently vague as to the method of computing present value. It enumerated a list of elements of value which must be considered, even including among them—an economic absurdity — the par value of outstanding securities. But subsequent decisions and practice have emphasized more and more reconstruction cost less depreciation, until rate-making by commissions has come to turn almost exclusively upon an estimate of the cost, as of the time of regulation, of initiating the enterprise, acquiring the property and reconstructing the works, together with an estimate, as of the said time, of the deduction to be made for depreciation. Upon the rate-base so estimated, the commission fixes a rate estimated to yield in the future a sum equivalent to estimated operation and maintenance charges plus proper fixed charges plus estimated depreciation allowances plus a fair return on the rate-base. This fair return tends to become a constant percentage of the variable rate-base, as for example in Pennsylvania seven per cent.

Of this valuation procedure I have elsewhere said: "Such a method of determining the rate-base is extremely difficult, slow, costly, uncertain, hypothetical, provocative of controversy in the making and unstable when made. It wastes in expenses and fees of attorneys and valuation engineers money which the consumers ultimately pay. It wastes something far more important still—the time, energy and attention of managers, public service commissioners and others which ought to be devoted to improving the service. It fosters misunderstanding and ill will. It should be replaced by a method easy, prompt, cheap, certain and factual."

For a convincing exposition of the fallacies, legal and economic, underlying the valuation method of estimating the rate-base, the reader is referred to the dissenting opinion of Mr. Justice Brandeis in Southwestern Bell Telephone Company vs. Public Service Commission, 262 U. S. 270, 290. I will not repeat his reasoning here except to point out that this method is pregnant with disaster to the companies and to their service in a period of falling prices.

But even if the valuation procedure were wholly sound in economic and legal theory it should nevertheless be discarded for the simple practical reason that it cannot be worked. Our need is for a procedure tending to exert constant pressure upon every company, taking the place of the pressure of competition in non-monopolistic business which may be likened to the constant and all pervasive pressure of the air in the physical world. Multiply the personnel and expenditure of the commissions by twenty, and by a much higher factor the controversial waste of ability, energy and the consumers' money (for in this kind of litigation he pays not only his own lawyers and engineers but the company's too) and yet the commissions could never get around to constant regulation of the rates of all utilities in the state. In other words the utilities on the average fix their own rates without any regulation, say nineteen-twentieths of the time.

NEW CHARTERS GIVE OPPORTUNITY TO GOVERNMENT

Notwithstanding the finality of federal supreme court decisions until the court achieves a better mind, there is a way of escape open to the states which they have successfully followed before in other matters. The corporate form of organization is essential to public utility business. The corporation is a creature of the state and the creator could destroy its creature by charter repeal, thus throwing the ownership of the utility property back into the copartnership form. All the states escaped the intolerable consequences of the Dartmouth College Case, which declared corporate charters to be contracts between the state and the corporation, inviolable under the clause of the federal constitution forbidding the states to make any law impairing the obligation of contracts. They did so by embodying in all future charter contracts an express provision reserving to the state the right to repeal the charter.

But repeal of power company charters at this time is unnecessary and unwise. New charters of merger, consolidation, etc., are required by the process of regional organization now in full tide. Moreover, the companies have great need to exercise the right to condemn property (eminent domain) which right they must get from the state. Therefore, to impose a rule of rate-base determination sound in economics and practical in working, the state needs only to refuse new charters except upon a condition that the company accept the new rule as a condition of its charter contract or as a contract condition upon the future exercise of the right of eminent domain or upon the acceptance of other aid from the sovereignty of the state or its political subdivisions.

For this there is precedent in the Federal Water Power Act which requires the licensee to contract with the federal government that his rate-base for the purposes of state regulation shall be his actual net investment in the project as shown by his books under strictly supervised and revealing accounting. This is the "prudent investment" of Justice Brandeis' phrasing. As to existing investments a valuation would have to be made as of the date when the new system went into effect.

SECURITY ISSUES AND FAIR RETURN

Future security issues should be regulated by the states so that the par of outstanding securities should at all times equal the rate-base. This also is a rule set up by the Federal Water Power Act, and the settled rule in Massachusetts for a generation has been similar. It is demanded by the necessity for public knowledge of and good will toward this vital public business. No constitutional obstacles stand in the way of its adoption. It automatically bars "no-par" stock. Non-voting stock, carrying as it does the possibility of complete separation of risk from control and from the enterpriser's profit, should be strictly limited so that the total par of non-voting securities, whether stock or bonds, should not exceed a safe fraction—say two thirds—of the net investment. Under the procedure proposed the rate-base and the par value of outstanding securities, except as increased from time to time by new investment, would be a constant quantity instead of a variable as at present.

The fair return, on the other hand, should be a variable instead of being approximately, and illogically, constant as at present. For the fair return we can find a gauge or governor, almost automatic, responding almost constantly to the economic pressure of the moment. Reflection upon Steinmetz' address before the Franklin Institute, and upon general economic principles, will carry conviction that the test of rates as to fairness to the investor and the public is whether or not they yield enough, and no more than is necessary, to attract to a well managed enterprise the constant inflow of capital investment necessary for the healthy expansion of the business to meet public demands for service. That is not a question to be determined by elaborate inventory, hypothetical assumption, time-consuming estimate and expensive controversy. It is a question of economic fact to which the security market gives a daily answer. For here, at last, the public utility business is not monopolistic but competitive. It must compete for capital in the security market.

Therefore, upon the rate-base shown by the company's books ("net investment") the commission should from time to time fix a rate estimated to yield in the immediate future a sum equivalent to fixed charges plus operation and maintenance charges and proper depreciation allowances (estimated in the same way as under the present procedure) plus such amount as would enable the company to pay dividends at a rate sufficient to keep its stock slightly above par in the market. For this standard of a fair return we have a precedent in the widely heralded action and argument of the American Telephone and Telegraph Company shortly after the Great War. An increase of the dividend rate from eight to nine per cent was proposed on the ground that at the old rate the stock was below par and new stock could not be sold at par to meet the needs of the company and the public for new facilities. The dividend was therefore advanced to nine per cent, the stock responded by rising slightly above par, and a large issue of new stock was offered by the company and taken by the investing public.

So much for rate regulation in general—the "fair return." The task of rate classification, equitable adjustment among different classes of users, remains. The classes should be few and simple so that the public may understand this public business. The rate for each class should, in general, be based on the comparative cost of generation, transmission and distribution, separately computed, and properly chargeable to each class. But nevertheless a discount should be allowed for off-peak loads in order to increase the capacity factor and so lower the cost to all users. All question of further adjustment to secure social ends, such as decentralization of population, may well be postponed until experience has shown the effects of such an application of the cost principle. The commissions should be given authority and initiative for the standardization of rate structure and of rates by classes.

Finally, court review of the commissions' action should be cut down to the lowest limits consistent with the protection of constitutional rights. Only when the company is deprived of a fair return on its business as a whole should the courts intervene.

INTERSTATE COMPACT

So much for regulation within each state-wide power pool. But the regional power organization must include a number of states, at least in the northeast. That is to say, regional organization involves interstate commerce not within the regulatory authority of any single state. Federal regulation of interstate commerce, by regions, differing as among the several regions, though perhaps not unconstitutional, is unattainable.

The states, however, may secure it by compacts among themselves made effective by the consent of congress as provided in the federal constitution. It would seem necessary to set up by compact regional regulatory commissions. They should apply the same principles of regulation as those above outlined for the states. They should have exclusive jurisdiction over all public utility power companies doing any interstate business, but the companies should have the option to segregate their interstate transmission business into separate corporate ownership, and the states should have authority to compel such segregation, thus limiting the jurisdiction of the regional commission to the lowest terms. The regional commission should also have power to prevent discrimination in wholesale rates and service against the interstate power utilities in favor of those operating wholly within any one state.

To guard against the evils of irresponsible holding companies the commission of each compact-bound state should have power to compel the production, from any place within the region, of evidence, including accounts and other documents, as to holding companies incorporated in any other compact-bound state; and the voting of stock in an owning or operating company of any compact-bound state by a holding company not incorporated in one of the compact-bound states, or by any director, officer or agent of such a holding company, should be prohibited.

Given such a system of state and regional regulation, adequate universal electric service on terms fair to the investor and to the public could be expected under private ownership.

II. PUBLIC OWNERSHIP BETTER

BY C. A. DYKSTRA

Commissioner, Department of Water and Power, Los Angeles

Public ownership will more easily provide the huge capital necessary for regional power development and will assure successful private ownership in other lines of business dependent upon power. :: ::

Consumers and producers alike have discovered that it is not economical to make and sell small blocks of power to small groups of consumers. The uses of electricity have become so varied, even in the individual household, that the old schedules of rates are thoroughly unsatisfactory. The consumer objects seriously to twenty cent current and he insists on having it at a better price.

This is the reason for the gradual but sure cutting down of the number of generating plants in all sections of the country. This is the reason why the business of producing and distributing electric current is inevitably being centralized in the hands of so-called power trusts. Herein lies the explanation of the latest figures given out by the National Electric Light Association, which show that since 1922 more than 1,100 municipal plants have been junked or sold to private interests. That there has been bad management and improper financing in a certain proportion of these plants, private and municipal, should of course be admitted. That these are the reasons for the tendency toward plant combination it can hardly be proved. The elimination of small expensive plants is inevitable and the substitution for them of generating equipment and distribution lines which can serve a whole region is bound to come. Whether by public or private agency the operation of large power producing units and their interconnection has come to stay. There is no room for the isolated plant serving a purely local purpose. Combination means increased economy of investment, increased economy of operation, increased reliability of service; and in case power plants may be located at fuel centers, it means a further general economy in power supply, particularly to the smaller communities.

WHITE COAL

Water power is becoming the coal of the twentieth century. It is tireless, everlasting, easy of control and from the operating viewpoint inexpensive. While it is true that steam will continue to be necessary for a standby service, it is just as true that the region must develop its water power resources to their fullest extent if it is to make the most of its power possibilities. Such a program assumes flood control, the storage of water, the building of huge works, and the generation of power on a large scale—a program which costs plenty of money and one which cannot be carried through without some co-ordination of effort in a territory which has a certain geographic and economic unity. Examples of this tendency may be found everywhere on the continent—in the Pacific Northwest, in the far Southwest, in Canada and below the Mason and Dixon line.

Water power is declared to be our last great natural resource. The problem of who shall control it is bound to be one of real magnitude. The contest for this control will inevitably be sharp, perhaps brutal; and in the contest the cities and states will be brought face to face with the federal government and its jurisdiction over so-called navigable waters. Muscle Shoals and the Boulder Dam project are just two examples.

Distribution of electrical energy in rural regions as well on approximately the same terms as in congested areas is a third fact of the utmost importance. The same plant and the same lines can be made available for service throughout tremendous areas. Just what this means few of us have appreciated.

A fundamental cause of congestion in cities was the factory which was made possible by steam. It may well be that electricity will help to undo in this century what steam did to us in the last—electricity and the motor vehicle.

PUBLIC OR PRIVATE OWNERSHIP?

Clamoring for consideration is the question whether the vast power resources of the future shall fall under private or public development and operation. Public bodies are increasingly contesting the field with private power organizations. The success which has attended the Seattle and Los Angeles experiments, the phenomenal results attained in Ontario by public operation and certain power developments in connection with reclamation projects have inevitably drawn the attention of students to the possibilities of large power enterprises conducted by public bodies. The fact of the absorption of certain small municipal projects which have served their purpose does not argue against public ownership but in favor of the consolidation of generating plants and transmission lines. Public ownership on a large scale overshadows results under private ownership to an almost unbelievable extent.

We are being flooded at the present time, everywhere in the United States, by a nation-wide campaign to assure or perhaps reassure our people of the advantages to be gained by nipping public ownership of power in the bud and by leaving the field of power exploitation to private companies.

Does public ownership of power offer us something worthwhile? Is the easy generalization of the power trusts acceptable in theory or in practice? Shall we take for granted that private initiative will give the results which we want? Does the handling of the coal situation by private operators—and coal is still our great source of power—promise that the public interests will be generously concerned at all times and in all weathers? Is the profit motive a reasonable one to tie to when a fundamental question of social good is involved? Can public regulation give us the results which we have a right to demand?

Already there are in existence tendencies which make for the creation of a "single monster corporation" to control all power in America. Governor Pinchot says that nothing like this giant monopoly has ever appeared in the history of the world. Nothing has ever been imagined before that even remotely approaches it in the thoroughgoing, intimate, unceasing control which it may exercise over the daily life of every human being within the web of its wires. If uncontrolled, it will be a plague without previous example—if under control, the greatest material blessing in human history.

Says Morris Cooke in the Pennsylvania giant power report:

> If the public is actually to enjoy the social gains included in our conception of Giant Power, regulation must be administered so that economy and efficiency in the conduct of these great electric utility properties may be both encouraged and required and a reasonable share of the reduction in costs resulting from large scale production passed on to the consumer in reduced rates. *It should be remembered* that *regulation at present* affords almost no incentive to efficiency. The influence toward better methods exerted by competition in private industry has been largely eliminated among utilities and nothing has been found to take its place. With rates based theoretically on what service costs and with almost no reference to what it *should* cost there is no very strong urge for a service company to pioneer in any large way.

Fred R. Low, editor of *Power*, retiring president of the American Society of Mechanical Engineers, said in his presidential address:

> Power is of such vital and increasing importance that its control would give its possessor a mastery over his fellows and opportunities for tyranny and extortion possessed by no autocrat of any previous empire, visible or invisible, feudal or industrial. The people may well be concerned by any gesture in that direction.

Shall it be regulation or public ownership? Out where I live we have been concerned with the problem. The so-called long-time theoretical advantages of public ownership have been submitted to rather exacting tests. We have heard much about public ownership and politics and we have discovered that private ownership has certain political inclinations and affiliation. With Worter Van Twiller it can honestly be said that there is much to be said on both sides. Our utility organizations even boast that because of widespread stock ownership they really furnish the advantages which evidently they admit public ownership possesses.

REASONS FAVORING PUBLIC OWNERSHIP

Some very practical considerations may be urged for the public ownership of great regional projects.

1. Great regions require long-time planning. In rapidly growing metropolitan areas, and particularly those supplied by water power or with water that must be carried long distances, there is the great advantage that public credit makes possible the establishment of projects looking far into the future which private capital cannot reasonably undertake. For instance, private capital cannot invest in great aqueducts long in advance of paying returns and risk the effect of business slumps which will threaten financial disaster through inability to carry fixed charges. Our federal history is full of examples which are in point here.

2. Public ownership means sim-

plicity of organization, elimination of stock-selling propaganda and minimizing of general propaganda. This in turn means greater effectiveness of organization with lower costs of construction and operation and, because of the public credit, less cost of money. In every instance, without exception, public ownership on a large scale, which allows of the employment of an executive engineer and manager of ability, has justified the above statement, as for example, Ontario, Canada, Seattle, Washington, and Los Angeles, California.

3. Public ownership of essential utilities, such as water and power, particularly in sections of the country where fuel is expensive and individual power plants for industrial purposes are out of the question, gives the greatest assurance of successful private ownership on all other lines of activity. In other words, the freedom of control of essential utilities from private selfish interests means absolute freedom of private initiative in all industrial and other activities other than the public utility business. Under private ownership the reverse is very largely true because the utilities and the financial interests are in a position to dictate, and do dictate, in shameful manner what private initiative shall do in the way of industry and commerce, greatly to the public detriment and greatly to the enhancement of the coffers of individual officials of such utility and financial enterprises, who also have their interests in, and are competitors of, those private individuals who are engaged in industrial and commercial activities and are dependent on the combined strength of utility and bank for power and for financial assistance. Public ownership of electric power, as well as water, in sections where they are a natural monopoly, are essential to the means, and in fact, the freedom of success of private initiative in all other activities of life. It means lower rates and greater stability rates, both of which are equally essential.

4. Public ownership means local control by those immediately interested in providing service and it means in the last analysis, local financing. Those who have followed our American experience with the regulation of privately owned utilities by public bodies know how disappointing such regulation has been.

5. Public ownership stimulates citizen interests in public affairs as does no other one thing. It brings into each household a realization of the intimacy of governmental problems in a way that abstract questions cannot. When the monthly bill has some relation to the character of governmental service, somehow or other the citizen becomes more watchful.

SUCCESS CAN BE PROVED

Is it possible to prove the success of public ownership in the field of power generation and distribution? Certain facts may be set down which have a bearing on this question. To the ordinary citizen these should be enlightening:

(1) The unwillingness of private companies to allow the test of public ownership. Millions of dollars are being spent each year in the United States to broadcast the asserted failures of the public ownership of power. It seems to me that the propaganda used so generously from certain utility headquarters tells its own story. The ordinary competing private industry insists that the first article in the creed of good business practice is to speak well of competitors and competing articles. Good service and good goods will carry their own message and bring success. Municipal plants everywhere are sawing wood and minding their own

business. They are furnishing the tests by which utility service must eventually be measured.

It goes without saying that if public ownership cannot succeed, it is bound to fail. The reason for its failure will be conclusive to the American people. Why, then, should private interests give so much attention to the problem, why fight a straw man and why attempt to kill the dying? Why not allow public ownership to fulfill the dire predictions made for it and let it fail ingloriously and ignominiously? Experience will teach Americans of the painful results of public ownership—if that is the story—and no one needs to spend any money to prove it. Public ownership will blacken its own eye and carry its own lesson.

It is a curious fact that those who condemn public ownership of power, almost universally agree that public ownership of water has been beneficial. As a matter of fact, water has been taken out of the debatable field. No one seriously considers the construction of municipal water plants by private initiative. Publicly owned water plants are with us to stay. And yet, exactly the same arguments now being used in the power field were current a generation or two ago in the water field.

(2) It would be quite possible, if there were space, to show that during this generation there has been a constant increase in the number of public power plants. The United States census reports give ample evidence on this point. If nothing succeeds like success, it must be admitted that public ownership has had its success in the power field. The larger the experiment, the more striking has been the success.

(3) It is also susceptible of proof that the public ownership has brought with it the lowering of rates by private plants quite generally. Rates have not voluntarily been decreased. Companies are not philanthropic. It must be admitted, of course, that when it seems good business to lower rates for the purpose of increasing consumption, rates will be lower. It cannot be gainsaid, however, that the reason for lower rates in Cleveland and Detroit, for instance, is the presence of a small, competing, municipal plant.

(4) The extraordinary success of the Ontario power enterprise carries with it its own lesson. Comparison of the rates charged for the American half of the International Bridge with those charged for the Canadian half at Niagara Falls is a sermon in a nutshell. The requests of American manufacturers for tariffs to protect themselves against Canadian manufacturers, because of the difference in power costs is eloquent. In both cases the power in question was developed at Niagara Falls, on the one side by private organization and on the other, by the public itself.

The story of Los Angeles and its power development is definite and conclusive. Since I am most familiar with the Los Angeles project let me set down a statement, based upon the report for 1924 from an internationally known firm of auditors—Price-Waterhouse and Company.

The surplus earnings of the Los Angeles bureau of power and light for the fiscal year ending June 30, 1924, were $3,051,000 after allowing for operation and maintenance, interest on power bonds, and full depreciation in accordance with accepted practice for utilities of this sort. It would have required approximately one-third of the surplus, a little less than one-third, to pay taxes corresponding to what a privately owned utility would pay with the same business. The surplus was actually used in part for the amortization of bonds, and the remainder for extension and betterment of the system.

The rates of the municipal system are considerably less than the rates charged by private companies elsewhere in California as measured by the gross revenue collected in return for service rendered. Were the bureau of power and light to collect for service at the rate schedules of the private companies of the San Francisco metropolitan area, the surplus of the bureau in excess of operation and maintenance, depreciation, interest on bonds, and a deduction for the amount of taxes which a private corporation would pay, would equal $3,200,000. In other words, if the power bureau operated under the conditions of a private corporation in the sense of paying taxes, and charged rates equal to costs including depreciation, interest and taxes, as well as operating expenses, consumers would save $3,200,000.00. This refers to the consumers of the power bureau alone. The consumers of the Los Angeles Gas and Electric Corporation are saving in a corresponding amount because of the necessity of meeting the municipal rates.

As compared with the average rate of large Eastern cities, consumers of the power bureau alone would save between five and six million dollars per annum on the assumption of the power bureau's paying taxes along with the other charges.

THE FATE OF THE FIVE-CENT FARE

III. CHECK UP ON CHICAGO

BY CHARLES K. MOHLER
Chicago

The story of events in Chicago since Mr. Mohler wrote on The Fate of the Five Cent Fare in 1919. :: :: :: :: :: :: ::

On May 19, 1926, the federal court fixed the fare on the Chicago surface lines at seven cents. This decision carried back to November 23, 1921, nullifying an order for a five-cent fare; and also to April 8, 1922, setting aside an order for a six-cent fare. Both orders were issued by the Illinois commerce commission. The court decision last May rendered void transfer slips issued as receipts for rebates in case the court should later find for less than a seven-cent fare.

The elevated lines are charging 10 cents cash fare, three tickets for 25 cents, and are selling a so-called weekly pass for $1.25 good for unlimited use by bearer.

Due to the fact that the surface lines carry over three-fourths of the entire city traffic and that there is less justification for an increase in their fares than there may be for the elevated lines, the discussion will be confined to the surface lines.

FARES AND FLOODED FINANCES

What answer can be given to the question: Was an increase in fares on the Chicago surface lines necessary? The published records seem to indicate that under the present régime of dishonest financing and management, higher fares became necessary in the summer of 1919 after a very material increase in wages were given to the employees.

The same records also indicate that if the undertaking had been honestly and efficiently financed and managed, an increase in fares up to the present time would not have been necessary. Honest financing would at least call for the dehydrating of the capital account by: First, the elimination of franchise value; second, the charging off or elimination from the capital account of all property worn out or obsolescent and discarded; third, the elimination of contractors' profits, etc., which were charged against all construction and purchases for capital account.

Briefly some of the dishonest items in the capital account are:

First. Over $10,000,000 of franchise value. No franchises were given up or lost. In fact, many franchises had expired or were about to expire and none would have run beyond 1921. On the other hand, the twenty-year franchises given the companies have been so valuable that they could very well have surrendered the old fragmentary franchises for nothing and *paid* $10,000,000 for the new franchises. The claim for franchise value was based on the fact that under their old franchises the companies did not have to divide net profits with the city. The $10,000,000 or more allowance was based on an average for 18 months' life for the old franchises. Here again the city was "gypped," as the net receipts paid to the city for the first 18 months under the new franchises amounted to only a little more than $3,000,000. Seven million dollars' worth of bad mathematics. In this connection, it should be remembered that the companies were claiming rights in the streets under a so-called 99-year grant and at the same time were not maintaining any depreciation and renewal reserve funds for reconstructing the property or maintaining the integrity of the investment.

Second. Property discarded and destroyed through rehabilitation amounting to from $30,000,000 to $35,000,000. This estimate is believed conservative inasmuch as an allowance of $80,000 per mile for about 395 miles of track rehabilitation amounts to $31,400,000. The average price at which the old properties went into the capital account was in excess of $87,000 per mile of single track. Over 80 miles of the rehabilitated track were cable lines running much higher in cost than the electric. The average may very well have been placed at $90,000 a mile, in which case the destroyed value would amount to $35,550,000.

Third. Over $13,000,000 for contractors' profits and brokerage now in the capital account should never have been allowed. This has been allowed, not only on all new construction and reconstruction and purchases going to capital account, but in the purchase of old lines that had to be torn up and scrapped almost immediately. Ten per cent contractors' profits and 5 per cent brokerage were added to the purchase price of everything, old or new, for capital account and included in the capital account. Contractors' profits as loaded into the financial structure of the undertaking are nothing short of an unmitigated fraud. Allowance of 5 per cent for brokerage is not quite as bad but even this is so inexcusable that courts and commissions rarely allow it to go into capital charges.

FAT YEARS SHOULD HELP TAKE CARE OF LEAN

If the capital account had been reduced and kept down to an honest economic basis and the fat years had been made to take care of the lean years, there is little doubt but that up to this time the service could have been carried on under a five-cent fare.

Under the benevolent care of the state "regulatory" commissions and federal courts, the utilities companies now see to it that there are no lean years. We may be told that all that has gone and is now ancient history, to be forgotten. However, as we are none too wise and have to learn by experience, we may be excused for indulging in the recounting of what might have been had we been a little wiser or a little better informed.

Several years ago the writer was told by a man of affairs who had been interested in street railways during the horse car days, that the companies were making so much money at that time that they had to devise means for hiding it. In a previous article reference was made to the report of the Civic Federation where it was shown that one of the companies had for 16 years made average yearly dividends of nearly 45 per cent and about 31 per cent for a four-year period ending with 1901. As previously stated, the companies were claiming rights under a so-called 99-year grant that would not have expired until 1964. But in the face of this they did not establish and maintain any depreciation reserves to maintain the integrity of their investment or to reconstruct the property as it became worn out and obsolete.

HOW TO EAT YOUR CAKE AND STILL HAVE IT

When the city insisted that the property and service be improved if the companies were given new franchises (the 99-year grant claims having been knocked out by the courts on March 26, 1906), the companies made the plea that they did not have the necessary funds for rehabilitation and that if the services were to be improved they would have to be allowed to charge up to capital account all of the money spent in the three years deemed necessary for reconstruction; that they should be allowed to pay themselves contractors' profits on all the money spent; should be allowed brokerage for finding it to spend; and that none of the property destroyed through rehabilitation should be taken out of the capital account. Hence the capital account of $163,508,224 for a street railway property now worth much less than half that amount. Recall the testimony of one of the companies' attorneys about nine years ago: "So there is at least $85,000,000 or $90,000,000 that is not represented by any property at all, and it is in this capital account. . . . It can never be contended for a moment that the capital account represents the value of anything." Oh, yes — old stuff but nevertheless true.

We are told that we cannot eat our cake and have it too. The Chicago traction management and their banker friends can and do.

DEHYDRATING—EFFECT ON FARES AND FINANCES (FAT AND LEAN YEARS)

In examining the public records of Chicago traction since 1907, there appears to be little doubt that the fat years could have taken care of the lean ones and on a five-cent fare. Had we been a little wiser or not so soft-headed, we would not have allowed any franchise value or contractors' profits and brokerage and would have required that all discarded property be taken out of the capital account.

By taking out some of these "financial frills" the capital account would have been reduced by at least $54,500,000 with a net saving in interest charges of over $46,500,000 up to

February 1, 1926. Note that the tentative reduction is only $54,500,000 and not the "$85,000,000 or $90,000,000 that is not represented by any property at all." Had the "$85,000,000 or $90,000,000" been the base of deduction, the saving in interest charges would have been between $70,000,000 and $85,000,000.

The total operating expense up to February 1, 1926, was $534,204,380. For the 12,338,732,742 revenue passengers carried this amounts to 4.3295 cents per passenger.

The gross receipts up to February 1, 1919, amounted to $347,081,357 or 5.0924 cents per passenger for the 6,818,616,907 revenue passengers carried up to that time.

The operating expense up to February 1, 1919, was $228,674,828. From January 1, 1919, to February 1, 1926, the operating expense was $305,529,552.

It is reasonable to presume that if the five-cent fare had remained in effect, the gross earnings would have still remained at 5.0924 cents per revenue passenger. Then for the 5,523,115,833 revenue passengers carried between January 31, 1919, and February 1, 1926, the gross revenue would have amounted to $281,259,151. This is $24,270,401 less than the gross operating expense. In addition, we have an interest charge on the revised capital account of $37,170,988 for the same interval. This makes a total of $61,441,389 not covered from the gross revenue on a five-cent fare. Then the question is how to get out of the red balance.

If we had had the requisite amount of wisdom or foresight we would not have been in the hole yet. We talk about a barometer or stabilizing fund in a service-at-cost scheme for regulating fares; also we talk about rewards for efficient management. Under service-at-cost, commission regulation, and court protection there is practically no hazard to the business of transportation in a large city. The returns on the investment are secure and should be limited to very little, if anything, above the actual interest charge on bond loans. If any profits are to be allowed above actual cost of borrowed money, they should be impounded when earned, for a long period of years and only drawn upon after they had reached a large amount. In the case of Chicago all of the net profits should have been impounded until the end of the franchise period in 1927. Such an arrangement would put the management on its mettle, if it had any, with the possibility that there might be shown some justification for the excessive salaries paid to the executives. Had such an arrangement been put into effect there would have been on February 1, 1919, impounded all of the companies' net profits of $18,672,403 from the fat years.

Then had we been wise, how could we have kept in the clear? First. Had the capital account been pared down to only the moderate extent of $54,576,000, the interest would have been only $82,580,000 up to February 1, 1926, instead of $129,327,636. The difference represents a saving in interest charges of about $46,750,000 which could have gone to surplus to take care of the lean years. Second. The companies' share of the net profits or receipts of $18,672,403 up to February 1, 1919, should have been available. Third. According to the settlement ordinance, the city's share of net receipts were to be made available for reducing fares as one of its contingent uses. This, up to February 1, 1919, one-half year before increased fares were put into effect, amounted to $22,727,706. Fourth. Under a five-cent fare for the period 1919–1926, more passengers would have been carried than were carried under the higher fares. (Gross earnings under a five-cent fare were computed on the number of passengers carried under the higher fares.) Fifth. The depreciation reserve of $9,258,931 which had accrued up to February 1, 1919, should have been used for construction and the purchase of equipment as it accrued and was needed. That should have still further reduced the interest charges as reserves so used are not thrown into the capital account. Reserves so employed, however, maintain the integrity of the investment at the same time interest charges are kept down. Sixth. If still more of the surplus water had been drained out of the capital account than the amount estimated, the additional legitimate saving in the interest would have been a considerable amount.

Taking only the first three items listed: savings in interest charges, $46,750,000; companies' share of net receipts, $18,672,403, and city's share of net receipts or profits, $22,727,706, we get the total of about $88,150,000 to cover the $61,441,389 deficit of the lean years. There would still be left over $26,500,000 to take care of the year 1927.

HOW CAPITAL ACCOUNT MIGHT HAVE BEEN WIPED OUT

Suppose that the capital account had been reduced on the same basis as assumed in the case just considered. This reduction covering certain specific items amounts to $54,576,222. Suppose in addition that up to August 1, 1920 (about the time increased fares were put into effect by state commission order) the capital account had been amortized as rapidly as possible out of savings in interest charges from reduced and amortized capital account, about $51,738,000 and all of the net receipts that went to the city and the companies, totaling about $41,698,487.

The three items listed above for reducing and amortizing the capital account amount to about $148,000,000. This would have left an unliquidated capital account of about $10,000,000. At this time the accumulated depreciation reserve amounted to nearly $9,500,000. Had this been employed in making extensions and purchasing equipment, the capital account would have been reduced practically to zero and interest charges would have practically disappeared. The interest charges actually paid on the old inflated capital account from August 1, 1919, to February 1, 1926, six and one-half years, were about $52,357,210. This interest charge amounted to 1.0164 cents for each of the 5,151,244,588 revenue passengers carried during this interval. As before stated, the capital account as it stands today is at least half water. Then each and every revenue passenger pays at least a cent a day, 25 cents a month, $3.00 a year, $60.00 in 20 years on the water injected into the undertaking of this necessary service.

With the capital account wiped out in the way indicated, there could be little objection to paying such increase in fares as might be necessary to take care of higher costs of labor and material employed in operation and maintenance.

A trial computation shows that if reduction and amortization of capital account had been estimated on the basis of higher fares actually collected rather than based on a five-cent fare up to February 1, 1926, the entire capital account would not only have been wiped out but there would have been a net surplus of about $60,000,000.

THE NET RESULT FROM INCREASED FARES

Aside from taking care of these increased costs of operation, what have been some of the net results of increased fares on the Chicago surface lines?

The companies, in addition to violating their contract with the city on the five-cent fare, have refused to make the necessary extensions called for in their ordinance contract. They give as an excuse that the franchises are about to expire and that therefore they cannot borrow any money. Their contract, however, does not stipulate that extensions were required only during the early years of the grant. Cannot get the money? They have collected altogether over $30,000,000 in net profits; $11,626,000 since January 31, 1919, shortly before increased fares were charged. Why should not this money have been used? The depreciation reserve should also have been employed in extensions. The state commission did require them to use some of it to buy new equipment.

The net profits for the year ending January 31, 1919, the last year under the five-cent fare, were $696,755. The first full year under increased fares ending January 31, 1921, showed a net profit of $3,887,969. This is an increase of $3,191,214, or 458 per cent over those for the year ending January 31, 1919. For the year 1926, the increase over 1919 was $3,291,820 or 472.45 per cent. For 1925 the increase over 1919 was $2,232,794, or 320.45 per cent.

With all of the violations of contract with the city plus poor service, the exploitation and piling up of capital account have gone on without giving the slightest attention to those who have put real money into the enterprise and above whose claims there is no real equity represented by property value, namely, the first lien bondholders. These bonds all run to the end of the franchise period, 1927, without any sinking funds to pay them off and without an adequate depreciation reserve to maintain the integrity of the investment. Their only claim is against the physical property in the streets, and the equipment. Without a franchise, this is worth little more than its value as junk.

THE PRESENT STATUS

After the well-deserved defeat of the Schwartz-Dever ordinance, the companies went to the state legislature with the infamous Barr Bill for a so-called terminable permit law. This bill provided that any company, by surrendering its franchise, could receive from the state commerce commission in lieu thereof, a terminable permit. Under that program, the city would have had absolutely no voice in the location and construction of the facilities, service, fares, finances, or anything else relating to the utility. The utility so surrendering its old franchise would have to be given a terminable permit by the commission, good for all time or until purchased "by such municipality, for just compensation and damages of the property operated therein under such permit." The proposed law did not specify any of the items for which "*damage*" might be claimed in case a municipality purchased for "just compensation." The proposition was so raw and aroused so much opposition throughout the state, as well as in Chicago, that the measure was withdrawn. The legislature, thereupon appointed a commission to study the question of "terminable permits" in other states where they have been in operation.

Since the defeat of the impossible ordinance of last year, the mayor seems to have forgotten his campaign pledges to secure municipal ownership and operation of the transportation lines and apparently is doing nothing now to fulfill his promises and justify the faith of his supporters in his ability and purpose to get desired results.

The council committee on local transportation appears to have been maneuvered into committing itself to the approval of the terminable permit in case the city is given full control in the granting, and home rule is re-established for Chicago over rates and service. Service-at-cost is the general base or groundwork on which the grants are to be worked out. The proposed program on which the council committee is working can not be carried out without legislative sanction and is in a sense a pig in a poke. We will probably not like the pig after the legislature takes it out of the poke for us.

THE PROBLEM OF AN EXECUTIVE HEAD FOR ENGLISH MUNICIPALITIES

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The intensely democratic system of English municipal administration lodges great power in council committees, but neither the committees nor their administrative agents are subject to centralized control such as is found in private business and the city manager plan. :: ::

FINGERS are being pointed at the organization of local government in England. The following pronouncement in the Fifth Annual Report of the Ministry of Health, relative to the state of local government in England and Wales 1923–1924, is very significantly interesting:

> Some difficulties have been caused during the year by proposals to give the town clerk more extensive powers of control over other officers than are usually provided for expressly by the terms of the appointment.
>
> It is manifest that a town clerk or any other officer could not properly dictate to other persons in the employment of the local authority, the medical officer of health or the engineer, for instance, what they should do in the details of technical matters within their particular purview. Nor could any local authority impose on any one of their officers duties in conflict with those conferred on any other officers by statute or by central regulations.
>
> The proposal to make some one officer definitely responsible for the general supervision of the whole of the business of the local authority, and their chief adviser on all matters of policy, is, however, a different question.
>
> The work of the local authorities has changed very considerably in recent years. The large authorities, in particular, in addition to being the bodies regulating matters of local government in their area, are in fact important business corporations, carrying out costly services, trading and others.
>
> There appears to be room for consideration whether, while maintaining to the full the traditions of local government service and, especially, of democratic control, the time has not come for some further development of the administrative arrangements of the local authorities, and for their having one chief official who, whatever his title, shall be in a position of definite responsibility for the general official organisation.
>
> It may be premature to express any decided opinion on this possible development, but the question clearly merits attention. Two conditions would always have to be fulfilled—(1) the unquestioned control of the elected body; (2) no derogation from the responsibility of the present principal officers. The value of any such chief official as has been suggested would depend very largely on his exercising general control, on his not attempting to do the detailed work of officers expressly appointed because of their specialised qualifications, and on his working in full harmony with them.

In other words, the degree to which the operations of municipal departments are co-ordinated and the responsibility for their work unified is not contemplated as clearly meeting present demands. Were such a notice as this to appear even in isolation, it would deserve the closest attention because of the quarter from which it emanates. There have appeared, however, both before and after this one, other signs that there is a critical spirit in the atmosphere.

There follows a second excerpt, as official as the first, but fuller in that it describes the existing situation in greater detail. It may be found imbedded in the evidence which Mr. I. G. Gibbon, assistant-secretary in the ministry of health, as the representative of that department laid before the Royal Commission on Local Government now conducting an inquiry. The evidence is dated May 4, 1923.

> There is no official in local government corresponding with the managing director or general manager of a large company or burgomaster or maire of continental towns or the city manager of some American cities, although the big local authorities have by now become in fact large business concerns.
>
> The principal official is the town clerk, or clerk of the county council or district council. Generally, though not always, he is a solicitor or barrister and the legal adviser of the council. He is not definitely recognized in any statutes or regulations as the head of the official administration, and his position depends very largely upon personal factors. In some cases, the principal departments are largely independent, the clerk exercising little authority; in other instances, the clerk, without interfering in details, maintains a firm general supervision, subject to the council, over all the departments.
>
> The system as a whole, as it now prevails, is to a large extent the result of somewhat haphazard growth, and there appears to be room for further consideration of the general official organisation, not in order to set down any general rules of uniformity, much less for any dictatorial determination by the central department, but for the examination of the results of different systems among those concerned in local government in order that the best may be adopted according to the needs and special conditions of each locality.

In the course of his evidence Mr. Gibbon also said:

> One factor in the committee system largely determines the position of the clerk. The office of the committee clerk may be one of importance and, if the committee clerk is a member of the clerk's staff (which is not always the case), this enables the clerk to keep in close touch with the whole of the work of the council.

It might also be advisable to observe that "there are certain committees (called statutory committees) which councils are required by law to appoint; and some of these committees have the full powers of the council, so far as their particular sphere is concerned, except the raising of rates or loans and generally such acts as must be done under the council's seal"; and that the effect of this system is to make it slightly more difficult to place one supreme official completely in charge of the administration.

ATTENTION TO AMERICAN EXPERIENCE

The extent to which American experimentation with the city manager is drawing attention as bearing possibly fruitful suggestions is indicated not only by the interest therein one finds exhibited by English local government members and officials but also by certain public notices in journals and newspapers that have appeared other than those already mentioned.

Nor is this all. Appended to the *Report* of the Royal Commission on London Government, issued in 1923, is a memorandum by Sir Albert Gray, one of the members of the commission, which contains certain observations on the practical workings of the London County Council as at present organized. Sir Albert makes these among other statements:

> The London County Council might well give some attention to the municipal reforms in progress in America during the last 20 years, different as the conditions may be. . . . The new development is the "City Manager System." . . . The American experiments thus on trial should, I think, be carefully observed by municipal authorities and ratepayers in this country.
>
> The prospect of the employment of a personal executive by the county council may not be so distant as is regarded by some. A large amount of the work of some of the departments under the council is of such a character as to be more efficiently, expeditiously, and economically performed by personal than by committee management.

And, referring to the representative who presented testimony on behalf of the London County Council, Sir Albert says:

> He is also of the opinion that if there were a single individual controlling all the specialised heads of departments, "that would probably work for efficiency and might be an economical arrangement, but that is a very long way removed from our present ideas, and I think myself it would be unacceptable to the general body of the governed." I venture to disagree with the last observation. In a large majority of routine cases, ratepayers would, I believe, much prefer to deal with responsible executive officers rather than with councils whose collective decisions, often unduly delayed, are shrouded in impersonal responsibility.

ATTITUDE OF OFFICE HOLDERS

Yet the writer cannot refrain from thinking that it might be a more difficult task to persuade the ratepayers to accede to the establishment of a single responsible executive official than to persuade them of the advantages that accrue once the official has been set up. Further, whatever the opinion of the ratepayers, it is not likely that town councils will be very eager to shed the proprietary interests in their status they peculiarly tend to acquire in England. They are apt to guard themselves very jealously against any such diminution in their general powers of oversight as the institution of a personal executive would be bound to effect. To cite one example of the spirit in which local councils in England look upon proposals having the effect even without the intention of depriving them of a fraction of the powers at present falling to them and the degree to which they make the maintenance of their position of importance a matter of principle, it is merely necessary to recall that the Royal Commission on London Government was easily induced to include among the objections it declared were raised by the localities concerned against the creation of a larger metropolitan administrative area one to the effect that "the proposed local authorities would have so large an area and population that an undue proportion of power would fall into the hands of the officers, as opposed to the members, of the authority."

Declarations of that nature were made particularly by the county councils of Hertfordshire, Surrey, and Essex, and the Croydon County Borough Council. Croyden's claim was that

> . . . if the present areas are to be extended as proposed, the central authority would cease to be the real local administrative authority and become in effect a parliament for the area, working through a bureaucracy that would so control the work and the initiative of the subordinate local authorities that local interest and patriotism would be greatly weakened, if not entirely dissipated.

What the attitude of these councils and others similarly tempered towards measures having the intention as well as the effect of reducing their powers of control can therefore easily be imagined.

It is certain that any attempt at a serious reconstruction of the principles upon which the official organization of the English town is based in such a direction as has been indicated will meet with sufficient opposition. English institutions are not the easiest things in the world to change. The degree of caution displayed in the words of the ministry of health reproduced above and the reservations expressed cannot escape notice.

In an article in The London *Municipal Journal* the author makes the comment that, preparatory to receiving the city manager, "The council must be willing to be relieved of the duties which in Britain, our elected representatives perform, with an almost religious zeal." A later issue contains this:

> Efficiency and co-ordination are, it is admitted, imperatively required in every branch of the public service, but it is more than doubtful whether the Ministry has found the remedy. It suggests that the time may have come for one official to be appointed who shall be responsible for the general official organisation. So far the proposal is highly ambiguous, and may be advanced solely for the purpose of discussion. It could, however, be made a plea for the appointment of the city manager, after the American model. It is doubtful whether British institutions and practice would tolerate so startling an innovation.

And the opinion of Mr. Gibbon is:

> The city manager form of administration in the full exuberance of the American spirit, with, for instance, the wide powers of appointment, has practically no chance in this country, and would, indeed, be alien to our general constitutional habits, but at the same time it is not without its suggestions for our requirements.

THE MANAGER PLAN AND ENGLISH PRACTICE

Viewed from one angle, a move along the lines of centralizing formally the oversight of the administration in the hands of a town manager or glorified town clerk would be more of an innovation than it was in the United States; whereas it would be less so when viewed from another.

Its great deviation from existing English practice would be in its effect on the allocation of functions between the official and the representative elements in local governments. The object of developing the town clerk into a powerful supervisor would be primarily to concentrate executive control and the responsibility for executive control over the administration in the hands of one expert official as a means of promoting efficiency, especially by way of co-ordinated operations, in the conduct of municipal business. Such co-operation as is to-day effected comes through the medium either of the town clerk, below the surface and in varying degrees, or of the common council,[1] which is the single authoritative body and must ratify to make them valid the judgements of the subordinate committees working the various departments. But there is not in England a *strong, personal* executive openly exercising wide powers to act as a precursor before any contemplated transition to the manager system, such as there was in the United States in the person of the mayor, who possessed in many cities very extensive administrative authority. And it is for that reason that the accomplishment of such a transition will entail greater difficulty in England than it did in America.

In the matter of organization, however, the manager plan is in greater consonance with traditional English rather than American habits. An expert official with considerable actual powers working in a close but not clearly defined relationship with a committee of amateur representatives potentially possessing large powers (a hard lump for American cities contemplating the manager plan to swallow) conforms strictly in features with the English committee system.

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[1] Of help to the council in this respect is, of course, its own finance committee.

In other words, America introduced the city manager to professionalize an already existing single executive; England, contemplating a single executive, turns to the professional element as a matter of course. And thus explains her lack of interest in the American mayoral system.

WANING CONFIDENCE IN PRESENT SYSTEM

At all events, from whatever angle viewed, the suggestions of change, as they become more pronounced, indicate what is at bottom a waning confidence in the time-honored system of English local government so long admired for its results,—a system in which the council and its committees constitute the sole depository of all local powers, administrative as well as political. And these signs assume proportionally greater importance as it is observed that not only is the management of local affairs as a whole by a more or less numerous body of laymen meeting with open criticism but that dissatisfaction is being expressed also with the superintendence internally of the individual departments of administration by committees of the council.

In the course of the inquiry of the Royal Commission on Local Government, Mr. Gibbon said for the ministry of health in reference to existing practice with regard to the committee system:

> It is open to question, however, whether detailed administration by representatives tends either to efficiency or to effective democratic control; and whether these would not be much more soundly secured by leaving to the expert officials those matters which require a wide range of specialist qualifications, laying down for him the broad principles which he must follow and judging him strictly by results—the system, that is, broadly adopted in commercial concerns.

The implication contained in this passage is confirmed as regards the London area by the following significant remarks, which may be found in the *Minutes of Evidence* of the earlier Royal Commission on London Government:

> Does not your experience with regard to administration come to this, that even in the case of a very capable autocratic civil servant, in order to administer a department he has a struggle with the less knowledgeable, but very industrious and anxious, elected representatives and that sometimes one gets the better and sometimes the other?—Well, I have frequently witnessed such contests.
>
> And however able to administer and however clever a man may be to perform a difficult work, there is always a certain feeling, which you suggest yourself, that under our democratic system we would rather govern ourselves badly than be admirably governed by somebody else?—Personally, I think that feeling exists quite strongly.
>
> In fact not to put too fine a point upon it, economy and efficiency are not wholly compatible with democratic government?—I think that is true, certainly, of the full sense of those words.

And later we also find this:

> I suppose you would say, would you not, that though it is true that the committee usually adopts what an expert officer tells them, it is a considerable check on him that he has to submit it to the committee and explain it to them?—I think so.

That the local representative in England holds membership in an administrating as well as policy-forming body and that the authority he insists upon retaining for himself is great must be fully appreciated. For example, the important function of supplying water to the London metropolitan water area is in the hands of the indirectly elected and unpaid Metropolitan Water Board, which has no other general directing or managing executive officer than its own chairman but administers the affairs of the eight departments (clerk's, water examination, law and parliamentary, finance, works and stores, water rates, surveyor's, and claims) through seven committees. (Finance, appeal and assessment, general purposes, law and parliamentary, works and stores, water examination, and claims.) The chief officials employed by the board are the clerk, director of water examination, accountant and registrar of stock, chief engineer, solicitor, supervisor (entrusted with the department that assesses the water rates and charges), and surveyor.[1] The powers of direction and correlation that therefore rest with and must be exercised by the board and its chairman are obviously very considerable. Following are extracts from an official document concerning the board.[2]

> A question that has more than once been debated by the water board, for the first time soon after its establishment, and on more than one occasion since, is whether it should or should not adopt the course, which would almost of necessity be taken if the undertaking were in private hands, of appointing a general manager. The views of the majority of the board have always been adverse to the proposal. It is claimed that the present chairman, who, with the vice-chairman, gives up much of his time to the work of the board, has thus to a large extent been able to fulfil the general directing and co-ordinating functions which a general manager would perform. In a memorandum he laid before us on behalf of the board he stated that the conclusion at which the board had arrived was, that the appointment of a general manager was unnecessary and inconsistent with the administration of a municipally controlled undertaking. It was felt that the duties of a general manager, and his responsibility for management, would unavoidably clash with the committees of the board and their chairmen, and would, in addition, minimise the responsibility for administration and management which it is the present duty of those committees to perform. It was also urged that the appointment of a general manager to whom all the heads of the technical departments would have to report would inevitably cause strong personal friction and difference of opinion between the general manager and the heads of departments; that it would be a mistake to appoint a member of any of the technical professions as general manager as his views would necessarily clash with those of the head of the department dealing with his own special subject and in respect of the other departments he would have no technical knowledge or experience; so that it would reduce the selection to the appointment of a general manager with very large commercial experience; and that the board felt strongly that inasmuch as members of the board who form the standing committees are generally men of large commercial experience, the appointment of a commercial manager of this character would be not only a costly experiment but quite unnecessary.
>
> There may be some force in this contention, though we confess to being more impressed with the earlier than with the latter part of it. It is certainly true that a representative body like the water board established for the purpose of controlling and managing the supply of water in the metropolitan area must retain general responsibility for the working of the undertaking. But it seems to us that such a body requires, just as much as a board of directors, that there shall be some individual charged with the duty of looking at the undertaking from a wider standpoint than that of any one committee or any one department, of co-ordinating its lines of policy, of securing that no matter of importance is omitted from consideration, and of scanning the future and anticipating its difficulties and its problems, and we cannot help thinking the administration of the board would be helped if there were some individual paid and devoting his whole time to these duties. We accordingly recommend that this course should be taken.

How serious this feeling is in other quarters as well may be judged from the fact that the Port of London Authority appointed, for the first time, in December, 1922, a general manager at a salary of five thousand pounds per year.

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[1] *Parliamentary Papers*, Vol. XXI of 1920, Cmd. 845, p. 781.

[2] *Ibid.*, p. 781, "Report of the Departmental Committee appointed to inquire into the provisions and effect of the Metropolis Water Act, 1902." (Issued in 1920.)

IS COMMITTEE CONTROL WHOLESOME?

But even in those cases in which committees employ permanent officials who act as general executives as much as technical advisers, the writer has discovered the feeling to be strong among the officials that the degree of control retained by committee members is not entirely wholesome for efficient administration. The transcripts supplied above support that opinion.

This advocacy of the increased use of the professional element at the expense of the amateur seems to have its roots in two conditions of fact: (1) the elected representative is not sufficiently acquainted, especially at his primary election to office, with the field allotted to him to exercise with the maximum of intelligence the highly important administrative duties entrusted to him; (2) the time he must devote to the performance of the duties of his office, particularly if he is the chairman of a committee, has undesirable consequences either in imposing upon him an unfairly onerous burden in view of the fact that his position is unpaid or in discouraging from serving the community capable persons unable to turn away from the pursuit of their livelihood or, if able to do so, unwilling to sacrifice so large a share of their time in such a fashion. And the two conditions are aggravated by the widened scope and increased extent and complexity of the work of the English municipality of to-day, resulting partially from the general adoption of the policy of municipal trading. Also of bearing is the claim that it is noticeable that the local councils, especially in the London area, are not attracting men of quite as high calibre as formerly.

It may further be observed in this connection that it is at times urged that councils, to execute their business with the consumption of less time, should delegate in practice to their committees more authority than is now their custom to do.[3]

NOTE.—It has been suggested (by G. Hammond Etherton, J.P., Clerk of the Lancashire County Council, *The Journal of Public Administration* for October, 1924, p. 393) that a "co-ordination committee," possibly to consist of the chairmen and vice-chairmen of all standing committees, be erected to co-ordinate the operations of the council by being empowered to consider all matters affecting more than one committee.

[3] See, for example, *Report* of the Royal Commission on London Government, *Parliamentary Papers*, Cmd. 1830 of 1923, pp. 132–134.

RECENT BOOKS REVIEWED

The Final Report of the Bronx Parkway Commission.—This is a summary of reports issued in the years 1909, 1912, 1914, 1916, 1917, 1918, and 1922. It is a record of great vision and accomplishment, of the ability to see things that do not exist, that might be and should be, and to persevere through many years of difficulty and discouragement as well as of success.

The material difficulties of restoration and construction, though they must appear formidable to laymen, were the least that had to be met and overcome. In fact, they were of a kind that would invigorate the designer and construction man confident of their invention and energy, and sure of success so long as there is someone to foot the bills. The real difficulties and (as one gathers from the Report) the only ones that gave the commission real concern were the opposition of the owners of property that was necessary to the enterprise, and who would not sell at any reasonable figure. Such property had to be acquired under the law of condemnation, which seems a sound enough process on paper, but which those who have had to do with it find scandalously expensive and procrastinating. Under the findings of the boards of appraisers the average cost of properties by condemnation was not far from double that of property acquired by direct purchase as measured by the values of adjoining properties, and the expense of acquisition was over six times as much. The average expenses of the former per parcel were $987, whereas those of the latter were but $153.10! To the extravagance of condemnation proceedings must be added that of time, for they entailed several years of delay and negotiation, depriving the public of the use and enjoyment of the completed parkway.

Lessons to be learned from the history of the Bronx Parkway are the vital importance of acquiring the necessary land in time, which means well ahead of the time when intensive use is expected. Failing this, land becomes exorbitant and even prohibitive in cost, which means that if a park is created at all, its area will be too limited. If the project of reclaiming the Bronx River and building the parkway had been postponed until now, it might have been impossible of accomplishment, even with New York's greatly increased wealth.

Another lesson is that no land is unsuitable for a park if it is only in the right place. In fact, rundown and left over lands are often just those that ought to be made into parks. The records of park creation in all countries where parks are made bear this out.

A third lesson is the merits of administration under a board of park trustees or commissioners. Whatever the advantages or disadvantages of this form of government for other city utilities, its suitability to the park problem is established.

The parkway makers have treated the river with a free hand, deflecting its course and widening it into lakes where it seemed necessary or desirable, and where the available land permitted, so that for a good deal of its length the stream has become an artificial waterway, accommodating an amount of boating and swimming that would never have been possible in the original river. Where so much has been done well, it would seem invidious to single out any particular feature for commendation; but the bridges are generally of so high a character that they call for mention even in a short review like this.

The commission points with justifiable pride to its abolition of five miles of billboards.

One cannot read this report and know the personnel without feeling that all those in charge of this great enterprise were full of the spirit of service, and were of the kind who would work with just a little more zeal for the public than for other employers.

Harold A. Caparn.

⁂

Growing up With a City. By Louise DeKoven Bowen. New York: The Macmillan Company. 1926. Pp. VIII, 226.

Few cities in the world's history have had so romantic a beginning and so spectacular a growth as Chicago on the shores of Lake Michigan. The two or three scattered log buildings on the edge of the sluggish Chicago river in 1832 have been displaced by towering skyscrapers. The small farms which were nearby have disappeared to make way for the Loop District, one of the most congested metropolitan areas in the country. Mrs. Bowen grew up with Chicago. Her grandfather lived in Fort Dearborn and her mother was born within its palisades. She was intimately familiar with the household stories of her parents and grandparents. She lived as a girl in the old-fashioned red brick house of her grandfather, set back from the road on the corner of Wabash Avenue and Monroe Street. She remembers when her grandfather sold the corner lot on Washington Street and Wabash Avenue, the present site of Marshall Field and Company.

Chicago has been distinguished for outstanding civic achievements. The United Charities, Hull House, Juvenile Court, Juvenile Protective Association, Suffrage Movement, The Woman's City Club and the Women's Committees during the war all have been distinguished achievements. Mrs. Bowen has contributed liberally to all these causes both in money and leadership. The 172 acres of ground at Waukegan, Illinois, which were given to the Hull House Association as a memorial for her husband and which is called the Joseph T. Bowen Country Club, has provided a most interesting extension of the Hull House activities.

From the pages of the book one can see that Mrs. Bowen has taken her responsibilities seriously. The record which she has set down of the organizations and achievements of the charitable and civic movements of the last few centuries is a notable one.

HARLEAN JAMES.

◆

FOUR AMERICAN PARTY LEADERS. By Charles E. Merriam. New York: The Macmillan Company. 1926. Pp. 104.

To assert that in this most fascinating little volume Professor Merriam has demonstrated a system of efficiency ratings for statesmen would not be entirely fair. He writes without dogmatism, admitting frankly the limitations of his method and the need of further study to test its accuracy. What he has done is to restate briefly the qualities common to political leaders as developed in his earlier books, then to analyze on this basis the political activities of Lincoln, Roosevelt, Wilson, and Bryan, concluding with a series of sharply drawn comparisons between the four.

Biographies have been written and doubtless will continue to be written without end about these men, but biographies are essentially literary, perhaps incurably so. Professor Merriam conceives his task as essentially scientific. Biography may contribute raw materials toward its completion, but the task transcends biography; it seeks no personal or humanistic ends, indeed these are politely deprecated throughout. On this basis, for example, Wilson, in spite of his Princeton professorship, is denied standing as a political scientist, although his great intellectual and literary gifts are freely admitted. In other words Professor Merriam virtually affirms what Senator Lodge shortly before his death denied, namely that Wilson was a scholar.

Eschewing controversy as to the scope and methods of politics, it must be acknowledged that Professor Merriam has made not only a valuable, but also a novel contribution in his *Four American Party Leaders.* Accept or not, as you will, his yardstick for measuring statesmen you must admit that he has employed it fairly and thoroughly, obtaining by its use certain definite and important conclusions. Hero worshippers and partisans will feel at times that Professor Merriam has erred in his estimates of the objects of their adoration or detestation. The writer of this review, who may or may not belong to either or both of the categories named above, expects history to deflate considerably current estimates of Bryan and Roosevelt. Bryan in particular is duly credited by Professor Merriam with a sunny temperament, which, however, was not always to the fore in his moralistic campaigning. Roosevelt certainly did avoid the tariff problem and the liquor problem, but what is meant by saying that he did so "instinctively"? With greater perspicacity than certain biographers, especially William R. Thayer, our author notes that Roosevelt's controversy with the government during the great war was an anti-climax to his earlier career. Although an altogether minor matter it may be worth while to point out that Roosevelt was assistant secretary of the navy, not of the war department, prior to the Spanish-American war. The reference to Wilson's peace time administration with bare mention of the federal reserve and tariff bills only, emphatically does not do justice to his accomplishments prior to the outbreak of the World War.

Professor Merriam's work is constantly marked by flashes of insight, by characterization sharp and well defined as the lines of a Dürer engraving. To quote but one example: "Roosevelt's physical equipment never seemed to me to fit him, but gave quite another picture, for a wholly different Roosevelt is found under his physical set up—a personality in no sense bellicose, bustling, squeaky or tangential, but cool, keen, calculating, decisive, purposeful." Nevertheless Roosevelt did have his moments of senseless panic.[1] The characterizations of Lincoln (p. 20) and of Wilson (p. 61) are finely conceived and written: whether or not they belong to political science pure and simple, they do take high rank as "mere literature," to use Wilson's phrase. Among his concluding observations Professor Merriam justly notes that the careers of these men give the lie to the cynical conclusion "that only graft and greed and narrow vision win political recognition—at the high points in American public life, whatever may be the case on lower levels."

Robert C. Brooks.

Swarthmore College.

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Outline of the Law of Municipal Corporations. By Allen B. Flouton. Published by the author, 305 Washington Street, Brooklyn, New York. 1926. Pp. XXVI, 240.

This little volume by a professor in the Brooklyn Law School is designed primarily for use in courses on municipal corporations in the law schools of New York State. It will be of use to others who have to deal with the New York law. It pays no attention, however, to the law of municipal corporations in other states. All the citations are from New York and the statements of principle relate exclusively to this state.

The broad outlines of the law are stated clearly. Naturally in a book of this compass it is impossible to consider many legal refinements, and the reviewer cannot escape the conviction that the exposition of principles would have been more effective if the contrasting practice of other states on a few important subjects had been set forth.

Chapter four is devoted to the new city home rule law, the text of which is given in the appendix. The appendix also contains the text of the opinion of the court of appeals sustaining the constitutionality of both the home rule amendment and the city home rule law but denying that municipal home rule powers confer authority to engage in the business of a common carrier of passengers. The footnotes are voluminous and should help in explaining the significance of many leading cases and statutory provisions.

The book will be of most value to those who wish to undergo a quick exposure to the law of municipal corporations.

H. W. D.

✣

A Study of the United States Senate. By Arthur MacDonald. Bombay: B. I. Press. Pp. 24.

Doctor MacDonald's pamphlet is packed full of statistics relating to the personnel of the United States Senate during the three sessions of the sixty-second congress (1911–13). He tabulates attendance on quorum and yea and nay calls, first, of the senate generally, then by party and factional groups, and finally by a division into those who were business and those who were professional men.

His most elaborate tabulation is of the legislative activity of each senator. Under initial legislative activities he gives the number of each type of measure introduced, number of subjects discussed and the frequency of remarks on the floor. The distance these measures advance is indicated. Then follows the percentage of each senator's attendance at quorum and yea and nay calls. Finally, from the preceding data, he shows their comparative rating, after giving each of the Democrats a liberal "bonus" because they were of the minority party. The reviewer can see no reason for not giving some other possible groupings, such as those serving their first term, a similar bonus.

Unless intrigued by statistics, *per se*, one may question the value of some of the effort expended. Apart from pension bills, which for some unexplained reason are grouped separately, private bills are shown to have failed of passage in greater proportion than other types of measures. This fact is made the criterion for estimating the legislative success of each member. "The more difficult it is to have action taken on any class of bills, the more that action counts in the scale."

What is the value of such an estimate when computed? One member, because of a long and creditable career, is free to devote his attention to securing the passage of five public bills urgently needed by the conditions of the time. Another member, forced to cater to local interests to secure reelection, pushes five private bills through. The latter is far higher in Mr. MacDonald's scale. Should he be so rated? The author claims only an approximation. But since he thinks it unnecessary to give the names of the men he is rating, we are unable to find whether his "statistical" estimate accords with our cruder methods of weighing legislative proficiency.

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[1] Cf. O. G. Villard, *Alton C. Parker and Theodore Roosevelt*, Nation, 122 : 716 (June 30, 1926).

The assumption underlying his study, the author states, is "that all organizations of men, especially those of long standing and still more particularly those that result from competitive methods, are not haphazard, but act according to laws, most all of which are yet unknown". The reviewer regretfully concludes that this study seems to bring such laws little nearer his reach.

Howard White.

Ohio Wesleyan University.

✣

The Post-War Expansion of State Expenditures. By Clarence Heer. New York: National Institute of Public Administration. 1926. Pp. 120.

This monograph makes an analysis of the increase between 1917 and 1923 in the cost of state government in New York. The author, after stating various explanations that are commonly offered for the increase in state and municipal expenditures, affirms that these explanations are based on certain assumptions as to the facts. He states that it is his purpose to investigate some of these assumptions and lists ten questions. Space permits mention of but six.

1. "Is the present increase a unique and unprecedented phenomenon?" He shows that the trend of expenditures in New York State has always been upward and that although the cost of the state government doubled during the six years ending June 30, 1923, the state's expenditures had tripled within three years during the Civil War. However, the average increase for the thirty years preceding the World War was about 5 per cent per annum, whereas beginning with the fiscal year 1918 the disbursements of the state grew at an average rate of 20 per cent per annum.

2. "What proportion of this increase has been due to price inflation?" After a thorough analysis in which the author works out index numbers of prices for commodities and services purchased by the state government, he finds that 44 per cent of the increase in the state expenditures for the six years ending June 30, 1923, was due to this factor.

3 and 4. "After making allowance for the changed purchasing power of the dollar, has the cost of carrying on the old and long-established functions of government increased? If so, has this increase been due to the necessity of increasing the volume of service rendered, or has it been due to the fact that a different and more expensive quality of service is now given?"

Mr. Heer ascribes another 13 per cent of the total increase in state expenditures to the increase in the practice of financing capital improvements from current revenues rather than by bond issues. The amount of capital projects in 1923 was less than in 1917, consequently there is no reason for regarding the increase in expenditures resulting from this practice as anything more than a nominal increase. There still remain 43 per cent of the increased expenditures to be explained.

The author estimates that about 23 per cent of the total increases were unavoidable. The remaining 20 per cent of the total increase in expenditures are classed as optional increases. They are found chiefly in the fields of education, highways, health, canals, and protection. The entire amount of such optional increases was only $15,000,000 and when the fact that the income of the people of New York measured in 1917 dollars increased by over $700,000,000 between 1917 and 1923 is set over against this amount, the latter does not appear very large.

5. "Did governments actually fall behind in their maintenance and construction programs during the war, and how much of the recent increase in public expenditures is attributable to that cause?"

The author presents figures showing the extent to which expenditures for schoolhouses, sites, furniture and repairs were curtailed during the war period and a rough indication as to the undermaintenance of highways is furnished by a table showing the number of miles of highway given light surface treatment for the calendar years 1915 to 1922 inclusive. The increased expenditures resulting later have been included in the figures for unavoidable increased expenditures.

6. "How much of the increase has been due to the assumption of new governmental activities?"

The most costly of the new governmental agencies established during this period was the department of state police. The increased cost, however, was more than offset by the reduction in the cost of maintaining the national guard. The income tax bureau cost the state $777,000 in

1923—but this bureau collected $38,000,000 in personal income taxes in the same year. In 1921 the motion picture commission was established.

On the other hand in addition to the reduction in the cost of the national guard, the state excise department, the office of the superintendent of elections, and the state quarantine station in New York City were discontinued.

The monograph is very timely appearing as it has at the same time as the Report of the New York Special Joint Committee on Taxation and Retrenchment which deals with the same general subject. The two studies supplement each other and agree on the general conclusion that state expenditures in New York are not increasing at an alarming rate. Mr. Heer's work in constructing index numbers is especially to be commended.

Henry F. Walradt.

Ohio State University.

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The Organization of the City, County and Borough Governments Within Greater New York.—This pamphlet published by the National Institute of Public Administration gives a brief outline of the city, county and borough governments, which together comprise the government of Greater New York. It contains the first complete chart of the local government of New York city ever published. The authors have succeeded in compressing the entire government of Greater New York within a chart measuring 20 x 27 inches. It is legible and will be appreciated by those who understand the difficulties of chart drawing as a masterpiece of graphic art.

◆

Minneapolis City Charter: 1856–1925.—This is a 133-page booklet written by Jessie McMillan Marcley and published by the Bureau for Research in Government of the University of Minnesota. It traces the charter changes in Minneapolis since its incorporation as a city down to the proposed council manager charter defeated at the election last June.

Much attention is paid to the development of home rule in Minnesota with respect to Minneapolis and the booklet will be of importance to all those who have an interest in the subject of home rule generally. An organization chart of Minneapolis city government is included.

◆

Civic Survey of an Iowa Municipality.—Professor Roland S. Wallis is the author of this 126-page pamphlet which is in reality a city planning survey of Mason City, Iowa. The purpose of the report is to examine a typical city and thus to furnish a method of suggestive value to every municipality in the state. The pamphlet is published by the Engineering Extension Department of Iowa State College. Part Two of the report (31 pages) constitutes instructions to survey committees on city planning.

◆

Tax Rates in Minnesota, compiled by Harvey Walker and published by the League of Minnesota Municipalities, contains detailed tables of city, village, county and school district tax rates together with a table of assessed valuation and tax yields in cities and villages and a table showing the iron mine property of cities and villages. The tables have been worked out in great detail and are comprehensive. Of most interest to the casual reader is Table 3 showing the assessed valuation of iron ore in cities and villages in the three counties composing the iron range. Iron properties are assessed at 50 per cent of their full value and ordinary real estate at 40 per cent of full value. In many of the cities in the iron range the assessed valuation of iron ore comprises more than 90 per cent of the assessed valuation of all the property within the city.

◆

Delaware River Bridge Approach is the title of a report published by the Regional Planning Federation of the Philadelphia Tri-State District. It is a study of how best to treat the Philadelphia approach to the bridge recently opened. The report emphasizes the importance of proper handling of regional as distinguished from local traffic. A scheme is propsed for the separation of local and regional traffic and to provide ease of circulation for the through traffic around existing congested centers and direct access to outlying sections.

GOVERNMENTAL RESEARCH CONFERENCE NOTES

EDITED BY ARCH MANDEL

Taxpayers' League of St. Louis County.—A police manual was drafted by the Taxpayers' League of Duluth and accepted by the commissioner of public safety. The previous manual had not been revised since 1906.

A new Civil Service Commission was recently appointed, and the Taxpayers' League has prepared for it class specifications of positions in the city service.

Norman L. Meyers, who has been on the staff during the summer months, leaves September first to enter the Robert Brookings Graduate School of Political Science at Washington, D. C.

The Duluth city charter commission has before it a petition for a city manager form of government, and has appointed a sub-committee to study the proposal.

✣

The Commission of Publicity and Efficiency, Toledo, Ohio.—The Commission of Publicity and Efficiency recently completed a survey of the Toledo Health Department. The chief points brought out by the survey were decentralization of public health administration, an inadequate record keeping system, violation of civil service provisions of city charter relative to competitive examination for food and sanitary inspectors, too great a number of old men in food and sanitary divisions, and improper financing of health laboratories.

For measuring the results of the health work, the appraisal form of the American Public Health Association was used to some extent.

The survey is being published in serial form in the *Toledo City Journal*, the publication of the Commission.

✣

Bureau of Municipal Research, Philadelphia.—George B. Galloway was added to the professional staff, succeeding Edward T. Paxton, who resigned last spring to accept the directorship of the Committee of Seventy. Mr. Galloway is a graduate of Wesleyan University and has done post graduate work in political science in Washington University and in the Brookings Graduate School in Washington, D. C. He has also had several years' experience in business research with private corporations.

✣

Cincinnati Bureau of Municipal Research.—This organization under the directorship of John B. Blandford, Jr., has made a running start in getting under way. Two reports were prepared and published in August, one on a retirement system for Cincinnati, and the second is the Bureau's Comment on the first draft of the proposed amendment to the city charter.

The report on the retirement system was prepared at the request of the city manager, and is merely a preliminary statement, although comprehensive, showing what it would require financially of the city of Cincinnati to establish an adequate retirement program. The Bureau did not participate in the original drafting of the amendment to the charter, but at a public hearing presented its comments and recommendations on the amendment.

At the request of the city manager the Bureau is also making a study of the organization and record system of the highway department. Together with the engineer of the City Planning Commission, the director is working on an extensive improvement program for the city.

✣

Pittsburgh Bureau of Governmental Research.—It will be recalled by those who attended our last conference in Pittsburgh that Henry Oliver Evans, of that city, after listening to the enlightening papers on research methods and accomplishments presented at the afternoon session, expressed his gratification that such organizations existed and hoped that Pittsburgh would have a municipal research bureau in a comparatively short time. As the result of Mr. Evans' efforts, the Pittsburgh Bureau of Governmental Research was organized last July. The officers are, Taylor Allderdice, chairman; Howard Heinz, vice-chairman; Henry O. Evans, secretary and Arthur E. Braun, treasurer.

Having organized, the Bureau Officials waited upon Mayor Kline and offered him the co-operation and support of the Bureau in his efforts to promote good government in Pittsburgh. The Mayor "Endorsing the Bureau hailed its advent as prophetic of a new day in Pittsburgh governmental history and as the most notable civic contribution in many years. He promised that during his administration he would stand ready to avail himself of the Bureau's exact knowledge and unbiased, expert co-operation in working out Pittsburgh's financial problems."

Milwaukee.—Harold Henderson of the Milwaukee Bureau is making a circle tour of the commission manager cities, picking up material for newspaper stories in the campaign promoting the city manager form of government for Milwaukee. Henderson was particularly impressed with Colonel Sherrill the manager of Cincinnati, his attitude toward the newly organized bureau of municipal research and with the auspicious beginning of John Blandford, the director of the bureau.

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Public Utility Consultant, New York City

Problems of Giant Power Control.—We wish to call attention to the special articles in this number of the REVIEW dealing with public utility regulation especially the electric industry by Mr. Wells and Mr. Dykstra. Mr. Wells devotes himself to the problem of "Giant Power", particularly how it is to be organized and kept under effective control. He favors private ownership and operation but he would link together the various power groups into a single large pool of production so that all distribution lines would be supplied by all the production centers combined. For proper public control, he would base the return allowed to the private companies upon the actual prudent investment, but would allow such a variable return as to keep the market value of the capital stock substantially at the par value. His plan is that embodied in the Giant Power Bills considered by the Pennsylvania Legislature in its last session.

Mr. Dykstra favors outright public ownership and operation and points out why he believes the public would thus be better served than by reliance upon regulation of private companies. He draws the issues clearly and his views are well worth considering as compared with the results fairly to be expected from a classified policy of regulation. We urge careful study of the two articles.

Our own point of view so far as general policy is concerned follows more the line presented by Mr. Wells. For the most part, allowing for particular circumstances which may favor direct public ownership and operation we believe that the public interest will be served best by classifying and making more definite the principles and methods of regulation. In these respects we are in thorough agreement with Mr. Wells, both as to his criticisms of existing policies and the provisions for definite regulation. There are, however, two observations which we wish to make; relating, (1) to the nature of "fair value" as defined by the supreme court of the United States, and (2) the rate of return that ought to be allowed in a well defined policy of regulation.

THE SUPREME COURT AND REPRODUCTION COST

We agree with Mr. Wells in practically everything that he says about the objections to the "fair value" as used for rate making under supreme court proceedings. We have pointed out repeatedly that it is (a) indefinite and conjectural, and (b) variable with time and circumstances. But we do not agree with him when he appears to imply that "fair value" is based primarily upon the reproduction cost of the properties: "fluctuating with every increase in land and resource value, every hypothetical change in current construction costs for labor or for material found in the structure and equipment at the time of regulation." If he means to say that the court has accepted the reproduction cost as the measure of "fair value" we cannot follow him. On the contrary, the court has said specifically that a company is not entitled as a matter of law to have its return based upon the reproduction cost of the properties.[1] Nor has it declared in favor of actual cost or prudent investment. Here is just the difficulty; nobody knows what "fair value" is and exactly how it is to be measured. Consequently its determination involves endless disputes, including not only difference of opinion as to quantities and unit prices, but also as to elements to be included and their relative weight in the valuation.

Up to date, the court has repeated many times the statement that a company is entitled to a return in the "fair value" of its properties devoted to the public service, but it has steadfastly refused to specify precisely how the amount is to be determined. It has insisted that reproduction cost must be considered, but that it is not the measure of "fair value." It has never more than indicated the elements which should be considered. It has never specified the relative proportions of the various elements to be taken into the valuation.

Just what the supreme court has decided, is extremely important in the consideration of future rate making policies. If reproduction cost were established, the placing of future regulation upon a workable basis would be a difficult task indeed. But if, as we assume, the court has merely refused to act in a legislative capacity in not specifying how rates are to be fixed, then the legislatures appear to be free to correct the procedure of regulation as conditions justify; always, however, treating the companies and investors fairly. This, we believe, is the situation today; sensible regulation upon a scientific basis is available any time the legislatures understand the situation and act accordingly. We agree with Mr. Wells that the rate base must be investment, but to obtain its adoption will not require the roundabout pressure placed upon the companies as implied by Mr. Wells. All that is needed is intelligent legislation, adopting as the rate base the actual cost of the properties for all future investment, and providing for a reasonable appraisal of all present properties.[1] If the books of the companies are then re-written according to the appraisal, and if all subsequent additions are entered into the accounts at actual cost, the rate base would then be a definite and exact amount and would not involve any dispute for rate adjustment.

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[1] Georgia Railway and Power Co. v. Railroad Commission of Georgia, 262 U. S. 625.

VARIABILITY OF RATE OF RETURN

The second point of disagreement with Mr. Wells is the question whether there should be any variation in the rate of return. We agree that the rate base should be actual cost, not subject to variation, but he would make a variation in the rate of return so as to keep the market value of the capital stock equal to the par value. We doubt the desirability of such modification because of its lack of definiteness and because of the effect upon the market from any expected change in the rate of return allowed. It would not only continue the conflict of interest between the public and the companies, but would perpetuate the speculative features of present regulation. We see no reason why the rate of return should not be as definite a thing as the rate base itself. When bonds are issued the rate of interest is fixed by contract and the price of the bond depends upon market conditions. The sale fixes once for all the return demanded by investors and there is no reason for subsequent revision of the rate. This measures the "cost of money" which is an exact amount included in the cost of service without any dispute as to fact. Likewise if a definite dividend rate were fixed upon all capital stock, the market price would determine the "cost of money" as new stock is issued, and there would be no reason for later variation. If the rates definitely include the interest and dividends called for in each successive security issue, the "cost of money" is fully provided for; the investors get what they expected; the facts are definite and there is no chance for dispute as to amounts included in the cost of service.

We believe that effective regulation should limit as far as possible the conflict between the public and private interest, as well as the uncertainties and speculative features of regulation. Therefore we agree with Mr. Wells that actual investment must be adopted as the rate base, but also that the actual rate of return agreed upon as the various securities are issued should be accepted permanently as the rate of return allowed to the investors. We should prevent variability not only in the rate base but also in the rate of return. Then the entire allowance of return would rest upon a factual basis, subject to accounting control, not permitting any uncertainty or conjectural quantities.

✣

Public Utility Taxes.—Mr. Arthur Williams, vice-president of the New York Edison Company, in charge of commercial relations, during the past year has used the most modern means of publicity to tell the public about his company. He has delivered a series of radio talks, and in each one took up a specific topic which he presented in a very interesting way. Most of the topics were important and the discussion was enlightening to the public. There was, of course, some "propaganda"; but the series was a valuable contribution to public understanding of a great modern utility.

To us, one of the very interesting topics was: The Public Utility Dollar—Where a Large Part Really Goes. He points out that the public utilities of the county pay annually fully 700 million dollars in taxes. In New York state the gas and electric companies alone are paying this year over 30 millions. In New York city, on the average, ten per cent of every electric light bill is paid in taxes.

These are the facts as stated by Mr. Williams but we shall point our own moral as to their public significance. The subject of public utility taxation deserves a great deal of investigation and discussion. Very few people realize that they are paying virtually a consumption tax on their utility bills; that the companies are expected by the law to pass the taxes on to the consumers through higher rates paid for service.

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[1] For detailed analysis see Bauer: *Effective Regulation of Public Utilities.* (MacMillan Company, 1925.)

The time has come when the basis of public utility taxation must be reconsidered according to present day conditions. Public service corporations in the past were taxed as other corporations because they were treated essentially in the same way in other respects. When they fixed their own charges for service and made what profits they could out of the business or at least before they were brought under present day regulation, the taxes paid by them were not readily transferred to the consumers and thus reduced the net earnings. But as rates are more closely fixed according to the cost of service, the taxes are directly transferred upon the consumers, so that the company serves merely as a vehicle of collection from the public. It is only where our principles of regulation are ineffectually applied, that is where the companies are not actually regulated, that the public does not pay the entire tax outright in the bills charged for service. As regulation is made effective, the companies become merely tax collection agencies for the various orders of government.

This fact is entitled to public attention and to consideration as to desirable tax policy. The tax is convenient if collection and the burden is broadly divided. But do we desire such a consumption tax if we know that we are paying it? Moreover, so far as commercial consumers are concerned, is there not grave danger of placing a disproportionate burden upon the one particular cost element and thus discouraging the use as compared with other items entering into production? For example, a ten per cent surcharge upon the cost of electric power may be a considerable factor in retarding the use of electricity and continuing steam power which is not thus burdened with a special tax. But, certainly, it would be unwise to restrict the use of electricity through the effect of taxation. There is here a very important field for intensive investigation, to bring utility taxation in line with present day conditions. We do not say that utility taxes, as consumption taxes, should be abolished but we do insist that we should know better what the consequences of such taxes are.

Railroads and Buses.—The Interstate Commerce Commission has received a great deal of interesting information on the development of bus and motor truck transportation and their effect upon the railroads. Hearings have been held in different parts of the country so as to give all interested parties an opportunity to present their ideas and special facts in their possession. There is no doubt that motor transporation has cut into the railroad business more than has been generally assumed. The question is: What shall we do about it? Shall we let the new form of transportation compete without limit against existing agencies? Shall we place the motor business under the control of the railroads? Or shall we seek both coördination and competition between the old and the new?

The commission's report and recommendations will be awaited with great interest. The problem is a difficult one. Any decision will be subject to serious objections. For example, the Erie Railroad Company has claimed at the New York hearing that it is losing $1,000,000 a year in revenues to bus competition—losses in commutation and suburban traffic. But, what is the answer? Shall we prohibit bus operation, or shall we grant a monopoly of it to the company, or shall we permit the railroads to operate buses in competition with other routes? Shall all bus operation be placed under regulation? No one answer is entirely satisfactory, and we shall require much more experience before we can intelligently decide upon any course of action.

One thing is certain; the bus and motor developments are placing upon the railroads the necessity of really examining themselves critically and doubtless finding means of improvement. The new competition will be a tremendous spur to railroad improvements and economies, and there appears to be plenty of room. Heretofore complaints and suggestions have been met by denials and alibis, but now the railroads will actually have to do something to hold their traffic,—and they can in the face of necessity. We have heard railroad officials repeatedly speak contemptuously of various traffic—that it does not pay, is a nuisance, the company would like to get rid of it, so the Erie as to its commutation business. But now the Erie regards with respect the $1,000,000 of revenue and will doubtless find means of fighting effectually for the available traffic. For some time, at least, we may look with complacency upon bus and motor truck competition.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE

Professor of Law, Georgetown University

Home Rule Powers of Cities in Colorado and Wisconsin.—The home rule powers of the city of Denver, conferred by the state constitution, was passed upon in People v. Stapleton, decided June 28 by the supreme court of Colorado (247 Pac. 1062). The power to amend the charter or to adopt any measure upon the initiative of five per cent of the voters and the ratification of a majority of the electors arose upon a writ of error to a mandamus to the council to submit to popular vote a measure which provided for the establishment of a city manager form of government and a public service commission, abolished preferential voting, laid down rules for the apportionment of the cost of sewers, and named the incumbents of newly created officers who were to hold their positions till the municipal election of 1931. The court upholds the right of the council to refuse to submit the measure upon the ground that the constitution vests in it the judicial duty to determine whether the petition conforms to the constitutional requirements. The refusal of the council was based upon the contention that the petition was illegal in its attempt to unite in one act several amendments on unrelated subjects so combined that the voters must accept or reject them in toto, and that the measure was an attempt unlawfully to fill offices by legislation. The court fully sustains the position of the council on these points and holds that while one amendment or an entirely new charter may be adopted by initiative and referendum, a measure providing several amendments may not be thus submitted. The court also holds that while possibly elective offices might thus be filled for a short term, as till the next regular election, the city has no power to legislate persons into office for so long a term as practically to abolish the elective principle.

In State v. City of Milwaukee (209 N. W. 860) decided July 20, the supreme court of Wisconsin holds that the regulation of the height of buildings comes within the home rule powers granted by the amendment of 1921 to the state constitution, which confers upon cities and villages the right "to determine their local affairs and government subject only to this constitution, and to such enactments of the Legislature of statewide concern as shall with uniformity affect every city and every village." In an able opinion by Eschweiler, J., the court points out that the sphere of home rule provided by the amendment is still largely indeterminate and must await judicial construction, that while matters of taxation, schools, public roads and administration of justice seem clearly to be of statewide interest, a question like the one raised in the case is peculiarly a local one arising out of urban as distinguished from rural conditions. The recent cases of Brown v. City of New York (241 N.Y. 96) and of Niehaus v. The State (111 Ohio St. 47), in both of which the extent of local powers under constitutional home-rule amendments are discussed, are relied upon by the court in support of its conclusions.

✥

Initiative and Referendum.—The practical limitations upon the use of the initiative and referendum in the enactment of municipal ordinances is illustrated by three cases recently decided in New Mexico, Illinois and Arkansas. The statutes of New Mexico give municipalities the power "to erect water-works or gas-works or authorize the erection of the same by others" subject to approval by a majority of the electors voting upon the question. In Asplund v. Santa Fé (244 Pac. 1067) the supreme court holds that a franchise to operate an existing water plant and to make extensions and betterments may be granted by ordinance without a referendum. In Illinois in the case of Dallas City v. Steingrabber (151 N. E. 888) the supreme court held that the statutory requirement that ordinances adopted in cities under a commission form of government must if protested be submitted by referendum to the electors for approval did not apply to ordinances authorizing improvements under the Local Improvement Act. A similar decision in Arkansas, Paving District v. Little (282 S. W. 971), holds that the statute authorizing the use of the initiative and referendum in municipal legislation does not apply to an ordinance erecting a paving district on the ground that the city council acts as the agent of the property owners and that such an ordinance is not municipal legislation within the meaning of the constitution and statutes As the special improvement district generally covers a small portion of a city, it is clear that the application of the initiative and referendum to its creation is not practical.

✣

Liability of Counties for Defects in Highways.—The strict limitation of the liability of counties for damages due to defects in highways to the extent imposed by statute is illustrated in Cuningham v. Commissioners of Rice County (246 Pac. 525) decided by the supreme court of Kansas June 12. Although the highway in question had been built by the joint action of two counties, the plaintiff was held to have a remedy only against the county in which the accident occurred, the statute not extending the right of action against any but the county where the road was located. In Potter v. Whatcom County (245 Pac. 11) a joint action against both the county and the town, which had together built a defective bridge was allowed by the supreme court of Washington on the ground that both counties and towns were made liable by statute and there was evidence of negligence on the part of each. In Texas, where counties are made liable for damages caused by the defective construction of highways, it was held in Harris County v. Gerhart (283 S. W. 139) that the statutory remedy for compensation excluded any right of action based on negligence, and that the plaintiff whose lands were flooded by the construction was limited to one action for permanent damages. In Maryland where the common law liability of counties for defective highways has long been recognized, it was held in Commissioners of Kent County v. Pardee (134 A. R. 33) that the county independently of statute was liable to one injured where the accident was due to a long continued defect in the highway, which it was the duty of the county to repair.[1]

✣

Right of Laborers and Material Men to Recover on Bonds Given on Public Works.—In Ideal Brick Company v. Gentry (132 S. E. 806) and Standard Electric Time Co. v. Fidelity and Deposit Co. of Maryland (132 S. E. 808) the supreme court of North Carolina passed upon the right of those furnishing labor and material to recover directly from the bonding company upon the failure of the contractor to pay. In the first case, the statute in existence at the time the bond was given expressly limited its benefit to the municipality for which the work was to be done. The second case arose after an amendment to the law adopted in 1923, requiring a bond to protect those furnishing labor and material, which the court construed to give the material man upon default of the contractor a direct action against the bonding company. This decision is in harmony with the construction of the federal statute (Hill v. American Surety Co., 200 U. S. 97). As public property cannot be the subject of a mechanic's lien unless expressly so made by law, a statute simply requiring the contractor to furnish a bond will generally be held to be made for the sole benefit of laborers and material men and to give them a right of action upon failure of the contractor to make payment. This is the basis of the decision of the United States District Court for New Mexico (Southwestern Portland Cement Co. v. McElrath Construction Co. et al., 11 Fed. 2nd 910) which held that the plaintiff might bring an action against the bonding company to recover payment for material furnished on a public contract.

✣

New York Statute Providing Equal Pay for Male and Female Teachers Upheld.—In Moses v. Board of Education of Syracuse (217 N. Y. Sup. 265), Justice Edgcomb of the supreme court issued a permanent mandamus to the board to adopt schedules of teachers' wages that will literally carry out the statutory requirement against any discretion in the matter and that the petitioners may invoke the aid of the courts to compel the performance of the ministerial duty. The fact that the board is without funds to meet the increased salaries and has no power to levy taxes, does not relieve it of its statutory obligation to make the salaries of male and female teachers in similar positions equal. The effect of this decision is to emphasize the drastic control of school expenditures by the legislature and the extent to which the independence of local school authorities is curbed. The maintenance, support and administration of the public school systems of the several cities of the state was expressly omitted from the home-rule powers conferred by Article XII of the state constitution.

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[1] An extended discussion of these cases will appear in the next number of the REVIEW.

MUNICIPAL ACTIVITIES ABROAD

EDITED BY W. E. MOSHER

Encroachment on Municipal Home Rule in Germany.—There are few issues of German publications dealing with municipal matters which do not find space for at least one article on the infractions of home rule principles. They are becoming so many and so grave that the point of endurance seems to have passed. In a recent issue of the Zeitschrift für Kommunalwirtschaft a city councillor of Schwerin argues the case with special reference to the violation of home rule principles by the central authorities in his own state, Mecklenburg-Schwerin.

He points out that according to the constitution of Schwerin the central government is given the right to exercise simply supervisory control. This is specifically limited to a consideration of (1) the legality of measures passed by the local authority, (2) the soundness of administrative procedure and (3) the financial program and policy. But, according to the writer, there has recently been a veritable flood of imperial and provincial legislation whose restrictions have resulted in practically breaking down the principle of local autonomy. This applies both to actual legislation enactments and to the methods of administration. "Supervisory control" on the part of central officials is coming to mean a share in administration. Central authorities are to be compared with guardians, the localities with wards.

The writer goes on to complain that an outstanding and unfortunate result of these experiences is the disappearance of good will in dealings between local communities and the officials of the higher governmental unit, and a distrust on the part of the legislative bodies of the provinces and the empire. In his opinion, the chief remedy lies in the development of confidence in the capacity of the local authority to be responsible for its own affairs. He urges further the reduction of tasks imposed by central authorities upon local authorities and a thorough-going reorganization of the administration of the local, provincial and imperial governments so that there will be a diminution of over-lapping functions and of bureaucratic control.—*Zeitschrift für Kommunalwirtschaft, July 10, 1926.*

Nation-wide Fire Fighting.—The president of the Royal Federation of Belgian Firemen presented at a recent convention a program for the organization of the fire fighting services on a nation-wide basis. His point of departure was a review of the number of localities having equipment for combating fire and the number in which there is none. According to the totals there are something over 1500 communes out of the grand total of 2639 that have no means of fighting fire. To give adequate protection throughout the whole of the country, some 15,000,000 francs would be necessary for the installation of desirable equipment and an annual budget of 3,800,000 francs would be required for maintenance. The latter amount is about what is spent each year by the citizens of Brussels for their protection.

The paper was supplemented by the report of an order issued in France on January 6 last by the prefect of Pas-de-Calais, addressed to the mayors of his department. It was of interest because it indicates that there is in operation at the present time in one of the departments of the French government just such a scheme of country-wide fire protection as was suggested by the Belgian captain.

The main provisions in the order are as follows: (1) the organization of a special commission for the purpose of providing fire protection in all communes of the department, (2) the establishment of 11 principal centers with a radius of action up to 25 kilometers, (3) the establishment of secondary centers whose radius of action is limited to from 10 to 12 kilometers, (4) the provision for modification of the above distribution as need and expediency require, (5) the communes are given free choice to attach themselves to such main centers as seem convenient to them, (6) an insurance fund is established to cover accidents that may occur in connection with actual fire fighting expeditions, contributions being made to this fund by the participating communes according to the number of inhabitants, (7) fixed rates are set for indemnifying the center which aids the community in which fire occurs. The rates run as follows: 3 francs for each kilometer for each vehicle; 20 centimes for each meter of hose employed; 10 francs an hour for each motor pump used; 4 francs an hour to each fire fighter and 5 to the mechanician. The minimum indemnity charge is set at 200 francs. The indemnity is to be paid into the general fund of the municipality rendering aid. In case chemicals are used the amount consumed is to be replaced at the expense of the beneficiary. (8) A special commission is to be composed of representatives of the following personnel: general councillors, mayors, inspector general of the fire department, captains elected by the company and two representatives of mining companies having fire apparatus. This commission is to meet once a year under the presidency of the prefect.

It was recommended that the Belgian Conference should appoint a commission for the purpose of studying and reporting upon the adoption of a similar system to cover the whole of Belgium.—*Le Mouvement Communal, June 30, 1926.*

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Regional Planning.—Under the economic and political pressure which Germany has experienced and is experiencing, progress in governmental matters is being made perhaps more rapidly than in other countries where there is no such pressure. This applies to the whole question of regional planning, although it is called in Germany, country-wide planning.

In an address before the German League of Municipalities a review was given of the steps already taken and plans outlined for further developments. The regional plan for the Ruhr which has already been described in these columns was cited first. The plan for the economic unit comprising the cities of Dresden, Leipsig and Chemnitz came next in order. This was followed by a brief description of the plan for the province of Merseburg with its 37 cities and 12 counties and then by the most recent plan for the province around Düsseldorf which was inaugurated in 1925.

Such more or less local plans were, in the opinion of the speaker, but forerunners of a comprehensive country-wide plan which would be developed under one of the ministers of the central government and would take into account all of the productive capacities of the nation as well as its economic and other requirements. It would involve comprehensive schemes for the development of lines of communication, for power resources, mineral wealth, for the best use of waste lands, as well as provisions for new settlements and cultural institutions.

Among the introductory steps in this direction the report of the Society for Construction of Automobile Roads was cited. Their program calls for a network of through roads covering 15,000 kilometers. One feature of these roads would be the entire absence of cross-roads. It appears that a number of localities have already given approval to this project.

The need of such a comprehensive country-wide plan seemed to the speaker to be particularly imperative before the plans for individual localities became fully matured.—*Mitteilungen des Deutchen Statedtages, July 7, 1926.*

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Recruitment for Municipal Services.—The vice-chancellor of the University of Durham, who has given considerable thought to the professionalizing of the public service, has recently contributed an article on the desirability of organizing recruiting methods for the municipal civil service in England along lines already in operation for the national civil service. He proposed the division of the municipal civil service into upper and lower groups with proper provision being made for individuals to rise from the lower to the upper division. He recommends that the educational tests for entrance into the upper division should be the higher school certificate. His most far-reaching suggestion calls for the pooling of appointments on the part of local councils so that a common examination for the same position for all councils would be given by a single agency. Successful candidates would be permitted to choose in rotation the council in which a vacancy might exist. He looks forward to the time when the main part of the work of local government will be carried on by a permanent and technically skilled civil service with the broad direction of public policy left in the hands of the direct representatives of the voters.—*Local Government News, May–June, 1926.*

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Berlin Municipal Report.—There has just been published by the statistical bureau of the city of Berlin the first part of an administrative report of the new city of Berlin for the period 1920–24. The purpose of this report is to give an account of the changes that have taken place since the reorganization of the city in 1920 which resulted in the elimination of 94 of the original communes, comprising a total area of 88,000 hectares and 4,000,000 inhabitants. The problems that had to be solved in connection with this undertaking were manifold and the methods of solution are presented in a very clear and interesting manner. A description of the central administrative organs, of the limitations of functions, the distribution of rights among individual communities with respect to each other and matters of this sort are treated in the report. Of special significance are the details of the work of the reorganization. Among other things brought about was a special commission of 5,000 officials that in the space of three years was responsible for reduction of municipal employees by nearly 7,000.

Further parts of the report are announced. They will deal with finance and taxation, health, welfare, education, art, housing, industry, transportation and municipal undertakings of various sorts.—*Preussisches Berwaltungs-Blatt, June 10, 1926.*

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Monographs on German Cities.—The editor of the Monographs on German Cities, Dr. Erwin Stein, has just brought out the sixteenth in the city series. It deals with Waldenburg in Schlesien. As certain of these monographs have already been considered in some detail in these notes it need only be said that this most recent issue is quite in line with the high standards that have already been set. It gives the reader a first-hand picture of the character of the life, culture, occupations and municipal administration of this important city in Schlesien.

Two other similar monographs have appeared in the series on German Provinces. The one has to do with East Prussia and the other with Schlesien. As is customary the articles are contributed by men in such official positions that their statements carry weight and authority.

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Street Cleaning in Germany.—The *Danziger Statistische Mitteilungen* circulated 46 of the German cities of 100,000 and more population with reference to the administration and costs of street cleaning. The results of the questionnaire are brought together in tabular form in the issue of May 20, 1926. The following data are of particular interest. In 46 of the 49 cities the street cleaning is handled directly under the control of the city, whereas in three, property owners are responsible for the cleaning of the street, the city taking over all public places, bridges and the sections of the street adjacent to the public buildings.

Fourteen of the cities meet the cost of street cleaning from general funds. In 1913, twenty-four of the cities of this same group made this charge against general funds but due to financial pressure in recent years a marked change in practice has come about. Charges for cleaning the streets, when not paid from general funds, are made against the property owners (1) on the basis of the amount of surface cleaned, (2) the rentals of the buildings or real estate bordering on the street, (3) the frontage or (4) assessed valuation.

The report includes a list of the cities which defray costs of street cleaning in the above ways together with the rates charged on whatever basis the costs are carried.—*Danziger Statistische Mitteilungen, May 20, 1926.*

NOTES AND EVENTS

EDITED BY H. W. DODDS

Charter Amendments in Cincinnati.—Acting under a provision of the present city charter, the council of the City of Cincinnati appointed a commission consisting of Henry Bentley, Robert A. Taft and Robert N. Gorman to draw up a revision of the existing charter. This commission organized by electing Mr. Bentley its chariman, Mr. Taft its vice-chairman and Howard L. Bevis its secretary.

After several weeks' work the commission presented to the council a tentative draft of the proposed new charter. The council thereupon appointed days for three public hearings which all persons interested were asked to attend. At the conclusion of these hearings the draft was referred back to the commission, together with the recommendations of the council. The commission has completed its work by sending to the council its finished draft embodying the results of the hearings and suggestions made.

The city manager form of government is continued.

The principal changes are grouped around the central idea of giving to the council full legislative home rule powers. The existing charter adopted all the laws of Ohio applicable to cities in force on January 1, 1928; *i.e.*, it made the Municipal Code the charter of Cincinnati, except that the city was deprived of the benefit of amendments to the code passed after 1928.

The commissioners have worked upon the theory that the charter is essentially a constitution and should, therefore, be general in its terms and elastic. In view of the large powers given to the council, however, it was deemed necessary to prescribe the method of legislating so as to insure proper publicity. Certain restrictions were likewise thrown around the civil service, the sinking fund and the university. Council may reorganize the city government but it cannot abolish the office of city auditor, city treasurer, city solicitor nor the boards of park commissioners, planning commission, health, rapid transit and recreation.

The city auditor is to be appointed by the mayor and council as a check upon the city manager.

A somewhat novel feature is the composition of the civil service commission. Two chief objects of civil service were recognized: (1) to secure competent employees (personnel work); (2) to retain faithful employees in office. To this end, the secretary of the civil service commission is to be appointed by the city manager (who is chiefly concerned with securing good men) and the secretary is made the chief personnel officer of the city. The members of the commission, itself, on the other hand, are to be appointed, one by the mayor, one by the university trustees, and one by the board of education. This, it is thought, will remove the board from political subservience to the administration in power, and make it more of a judicial body to preserve permanence of tenure for competent persons.

The new draft, by taking advantage of the Tallentire Law, escapes the jurisdiction of the county budget commission which, many people feel, has hampered the financial progress of the city for several years.

The amendments will be voted on by the people at the November election.

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Banks Collect Taxes in Detroit.—Taxpaying in Detroit was relieved of some of its "cussedness" by the coöperation of four banking institutions which acted as tax collecting agencies during the thirty days' tax collection rush. City Treasurer Guy L. Ingalls reports that 38,125 taxpayers made their payments amounting to $3,199,906.11 direct to the banks, and points to these figures as indicative of the success of the experiment.

The banks participating in the work were the Detroit Savings Bank, Bank of Detroit, Commonwealth Federal Savings Bank and the Commercial State Savings Bank, with a total of sixty-two branches.

This system could only be worked out in cities where, as in Detroit, taxes are pre-billed to property owners. This plan was started the first year Mr. Ingalls was in office, 1919, and has met with the hearty approval of property owners. When the city was smaller, it was almost impossible to take care of the crowds that thronged the City Hall at tax collection time, and with the growth of Detroit from a city of an area of 46.92

square miles, in ten years, to a city of 139 square miles and upwards of 400,000 taxpayers, it is quite evident that the pre-billing system is an absolute necessity.

With the mailing of tax bills to all property owners, the treasurer also announced that anyone's check for taxes would be accepted without certification. This feature, the treasurer says, has resulted in upwards of 100,000 taxpayers paying taxes by mail.

This year the treasurer decided that still something had to be done to relieve further the congestion at the City Hall during the taxpaying period, and he was successful in enlisting the services of the four banks above mentioned, who, without charge either to the city or to the taxpayer, gave the service of their branches.

Each bank was designated as a branch of the city treasurer's office. This allowed the bank tellers to use the treasurer and city controller's stamp signatures on tax bills and allowed the taxpayer to leave the bank with his receipt just as it would have been issued had he visited the treasurer's office in the City Hall. The money as collected was immediately placed to the credit of the city of Detroit in each bank, and subsequently, within forty-eight hours, transferred to the city's regular depositories.

Detroit has a system of two payments on general city taxes, if so desired by the property owner, the people, in 1921, having voted to permit payment of one-half the city and school levy during the period July 15–August 15, and the other half between December 1 and 31. The total tax levy for the fiscal year beginning July 1, 1926, was $71,318,261. This year 91,869 half-payment receipts were issued for a total of $20,583,636.20. The branch banks were only permitted to make full collections this year, but the treasurer expects that next year he will be able to extend the branch bank service to include half-payments and he anticipates that instead of sixty-two branches he will have more than one hundred assisting him in the collection of taxes.

Inasmuch as Detroit labors under a dual system of tax collecting (the county treasurer collecting state and county taxes in the city) this service is of particular value to taxpayers.

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The Pennsylvania Primary, a Sales Argument for P. R.—The Proportional Representation League has analyzed the famous Pennsylvania primary and finds that in spite of the vast expenditures of money on the part of the candidates nothing was decided. The party is not united on the candidate who received the formal nomination although gaining but a mere plurality of votes. To quote the League:

> "Mr. Vare was nominated by only 41 per cent of the Republican voters. Would he have been nominated if either Governor Pinchot or Senator Pepper had withdrawn? No one can tell. But it is certain that a large part of the Republican voters preferred either Mr. Pepper or Mr. Pinchot to Mr. Vare and that their votes were made ineffectual through division.
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> "Not only do the figures fail to show Mr. Vare's strength as compared with either of his opponents. They even fail to show the voters' first choices among the three. Around Philadelphia Governor Pinchot lost many votes of persons who preferred him, because in the Philadelphia papers the race was all between Pepper and Vare. Rather than waste their votes these persons voted for a second choice. Probably both Pepper and Vare lost some votes for similar reasons, for some of the country voters believed the race was between Pinchot and Vare, others that the race was between Pinchot and Pepper. That such assumptions were not altogether fantastic is shown by the actual totals outside the two counties which include Philadelphia and Pittsburgh:

Pepper	321,097
Pinchot	268,083
Vare	191,307

> "Not having the gift of prophecy, the voters were effectually prevented from making their real wishes effective. The result will not even have the merit (from a party viewpoint) of concentrating the Republican vote on one candidate, for under the circumstances thousands of Republicans are expected to vote for William B. Wilson, the Democratic nominee."

The proportional Representation League does not counsel a return to the convention system but advises the adoption of a simple remedy by which voters may record first, second, third and successive choices, if need be, and thus assure that the result will be a real meeting of minds.

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Boston Ferry Service Costly.—The Boston Finance Commission has issued a report upon the ferry service operated by the public works department between Boston and East Boston. The report shows that the operation of the ferries has for years involved an annual deficit, amounting to more than $700,000 for the year 1925, and that the receipts from tolls bear no relation to costs. Toll rates have not been changed since 1887. Foot passengers still pay one penny, and touring cars and driver six cents, against fifty cents paid for touring car and driver between Brooklyn and Manhattan, forty cents between Manhattan and New Jersey, and twenty-five cents between Philadelphia and Camden. The collection of tolls is also made in a slipshod manner and there exists practically no check on the number of vehicles transported and receipts therefrom. The commission recommends that the tolls for vehicles be substantially increased and that a modern system of duplicate checking and collection of tolls be installed.

Admitting that a ferry system maintained by a municipality should pay for itself, the findings of the Boston Finance Commission cannot be disputed. However, there may be another side to the question. The commission reports that earlier efforts to increase tolls have been obstructed by residents of the districts served and it is possible that there is some justice in their contention in this day of universal free bridges and free highways. It is not impossible that a free ferry system may be economically profitable to a community.

Vienna gives free to each resident a minimum amount of water each day and defends the practice on health grounds. Under certain circumstances it is not unthinkable that a municipal corporation owes its citizens free ferry service.

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Success in Marketing Sewage Sludge.—Morris M. Cohn, superintendent of the bureau of sewage disposal, Schenectady, New York, writing in the *Engineering News-Record*, describes the success which his bureau has had in marketing sludge to farmers and thus reducing the expenses of operation of the sewage disposal plant. Earlier attempts to give the material away had failed and the sludge was being used exclusively to fill low spots in the land sites. But in 1924 Mr. Cohn decided to make a strenuous effort to interest the local farmers in sludge as a fertilizer. He received a favorable report from the state college of agriculture to the effect that farmers could well afford to haul away the material if furnished free of charge, but that it was difficult to state how much they could afford to pay for it.

With the coöperation of the local farm bureau, articles were published in the local papers, exhibit samples were displayed at the meetings of the farm bureau and the farmers' interest enlisted. The price originally charged was ten cents per load and last spring it was raised to twenty-five cents without noticeable decrease in the demand. The average haul for the farmers was six miles, the longest being fifteen miles.

Great success has been reported with all types of crops. Considering the difference in price the sludge is more profitable than commercial fertilizer. Farmers were warned not to use the material in any crop that grew in or on the ground and was eaten in a raw state.

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Venice, Florida.—The planning and construction of Venice, Florida, is of interest to all those who believe in better planned cities. Venice, located on the Florida west coast, is a project of the Brotherhood of Locomotive Engineers who have to date invested in it about ten million dollars.

Dr. John Nolen, writing in the *Manufacturer's Record*, states that Venice marks the beginning of a new day in city planning not only in Florida but in all the United States. The whole undertaking has been financed by the Brotherhood independently of the sale of lots. The city has been completely planned in advance and includes its own farm lands and agricultural community. Expert planners were engaged from the first in developing the beauty and utility of the city to the utmost. The street and sidewalk system is being constructed to permit consistent and continuous expansion. The schools are rationally located, the park system has been planned for an indefinite future and the drainage system will meet increased requirements for years. "Venice," states Dr. Nolen, "is laid out to take care of at least two generations yet to come." The demand for five- and ten-acre tracts is so great that workmen are toiling day and night to clear the lands, build roads and put the soil in shape for immediate use.

✻

Comptroller Charles W. Berry, of New York City, has declared that the 1927 budget could be reduced forty million dollars under the present budget by the elimination of waste and overlap in departmental operations, and that if given the chance he could effect this reduction himself. The proposed budget for next year amounts to $476,000,000 or $39,000,000 increase over the current year, and the comptrollers' assertion promises a net reduction under what will be asked for next year of nearly $80,000,000. Mr. Berry would effect his economics by the reorganization of virtually every department in the city, except his own, along somewhat the same lines as Governor Smith's reorganization of the state administration. He would also curtail certain alleged extravagances, such as the city's automobile bill which now amounts to $4,000,000 a year. For his own department the comptroller has asked for slightly less money next year than his budget allowance for this year. This, he states, has been made possible through a reduction in his office force and other economies which he has instituted.

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The Mitten Management, which controls the Philadelphia Rapid Transit Company, believes in coördinated street transportation. It realizes that the position of the street railway in the modern city is yet to be determined in the light of the severe competition from the automobile, the subway and the motor bus. Mitten Management already operates, in addition to the Philadelphia street railways and the subway and elevated lines, an extensive motor bus service coördinated with electric transportation. It also owns and operates the Yellow Taxicab service and a motor coach service to New York. Recently it has provided parking space on the fringe of congested traffic and is advertising to park your car with P. R. T. and ride the street cars or buses.

Mitten Management's latest addition to the transportation network is a passenger aëroplane service between Philadelphia and Washington. Passenger planes leave Philadelphia for Washington and vice versa twice daily. The round trip fare is twenty-five dollars and the report is that the planes carry practically capacity loads every day.

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The Life of a City Manager is not peaceful at best. Attacks from members of a discredited political machine supplanted by manager government are always bitter and Manager O. E. Carr of Fort Worth, Texas, is the latest to have attracted their hostility. A suit has been filed for the removal of Mr. Carr and the complete city council. The complaint alleges that the manager's salary is exorbitant and excessive. Other charges of needless expenditure are made.

Our best advice is that the movement has been instituted by individuals acting through personal spite or who desire to regain control of the government.

⁂

The Nineteenth Annual Convention of the Assembly of Civil Service Commissions was held in Philadelphia, September 13 to 17. Civil service commissioners and officials were in attendance from all parts of the United States and Canada. A feature of the convention was the luncheon tendered the delegates by the Pennsylvania Civil Service Association. The luncheon was addressed by Ellery C. Stowell, President of the Better Government League, Washington, D. C., and Col. C. O. Sherrill, city manager of Cincinnati.

⁂

The Mayor of Kansas City, Kansas, has been made the subject of ouster proceedings filed in the state's supreme court by the attorney general. The suit carries with it the ouster of the chief of police also. The charge against the mayor is failure to enforce the laws, particularly the prohibition law. It is also charged that he has permitted the existence of gambling houses and houses of ill-repute in the city and that undue preference has been shown professional bondsmen.

⁂

The "Virginia Municipal Review" carries a warm tribute to General Jerveys, who has resigned as city manager of Portsmouth, Virginia, to accept a professorship at the University of the South.

General Jerveys is considered a high type of man by all who know him and he has been an ornament to the city manager profession. The *Virginia Municipal Review* states that few men of higher consciousness of the sacredness of public duty have served Virginia.

⁂

Citizens of Charleston, South Carolina, are working for the passage of an enabling act in the 1927 legislature to permit the people of the city to vote on a city manager amendment to their charter.

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THE LEAGUE'S BUSINESS

Members of the League will be pleased to learn that the efforts of the Committee on Expanded Program have borne definite fruit. It had long been recognized that, upon the one hand, municipal research students lacked a central place to coördinate news of their activities and to do for them what the League had long done for workers in the political and theoretical field, and on the other that the League was rather one-sided because, with its existing facilities and funds, it could not go as far into the administrative side as it did on the political.

Last spring the Committee found the wherewithal to fill these needs, and the new work actually began in October as a coöperative arrangement between the League and the Governmental Research Conference. It will serve on the one hand the individual bureaus of municipal research, and on the other hand the large number of cities which have no research bureaus by making available to them original material and research reports emanating from the bureaus.

The title selected for it, after much thought, was "The Municipal Administration Service of the National Municipal League and the Governmental Research Conference." The Service affords to those interested in municipal administrative problems the aid of a central library, with loan privileges, which will become increasingly valuable as its collection grows; answers to special questions on administration such as the League has long answered on political matters; and a medium for editing and publishing pamphlets, reports and monographs on administrative topics of general interest which will be handled in the same manner as the League's well-known series.

The Service Library will make an especial effort to obtain and have available material which is not generally accessible or obtainable from publishers. It is hoped, therefore, that members of the League will assist by contributing one, two, or three copies of any reports, pamphlets, addresses and similar material which they prepare or publish.

The Service is located in the same office as the League. George H. McCaffrey, former Secretary of the Boston Good Government Association, has been appointed Director and Miss Esther Crandall, best known as Librarian of the University of Minnesota Municipal Reference Bureau and recently with the Milwaukee Municipal Reference Library, is the Librarian.

Members are urged to avail themselves to the full of this new Service, which we are confident will soon be saving those interested in administrative problems much waste in time and energy.

NATIONAL MUNICIPAL REVIEW

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EDITORIAL COMMENT

Ten Years of P. R. in Ashtabula Ashtabula's ten years' experience with proportional representation is reviewed in this issue by Prof. Raymond Moley and Charles A. Bloomfield. Their method has been to submit certain claims of advocates and opponents of P. R. to objective analysis through the use of statistical material where statistics are available. Whether or not the readers will agree with the conclusions drawn from the facts will depend upon the individual. It cannot be denied, however, that the method is one to be commended. As our experience with P. R. increases it is of the utmost importance that all available data, which will help appraise the results, be carefully preserved and in due time scientifically assembled and appraised.

The authors of the present article find that interest in elections has not been materially affected by the Hare System; that there has been a measurable improvement in the quality of councilmen, although it is not conclusive that this is due to P. R.; that tenure of office has been practically the same under the old and the new systems; and that the individual voter's influence has been increased, due to the increased proportion of effective ballots.

Religion has figured more in elections in Ashtabula since the adoption of the Hare plan, particularly in 1917 and 1923, and the authors seem to incline to the opinion that P. R. is responsible. Religious prejudice is difficult to measure quantitatively, but in the face of what has been taking place throughout the United States since the war (and in Ohio and a few other states particularly), it seems impossible to attribute to P. R. in Ashtabula any intensification of religious quarrels.

*

Should the Five-Cent Fare Be Retained? Of interest to New York City and elsewhere is the question whether the five-cent fare is not so deeply imbedded in municipal policy as to warrant its retention, notwithstanding higher cost of service and the inability to make ends meet from operating receipts. If the five-cent fare is preserved, provision must be made to meet the deficiency in passenger receipts through taxation or special assessments. Obviously the riders, as such, are not the only group in a city which benefit from adequate transportation. To be sure, they depend on transportation directly, but do other groups depend upon it any less definitely: stores, manufacturing plants, office buildings, real estate developments?

There is good reason why these other interests besides the riders should contribute to the cost of service. Indeed, in many cities future adequate transportation will probably depend upon a split-cost system. Sole reliance upon the riders will in many instances probably result in break-down of transportation.

These are questions for local governments to consider. They cannot be avoided, and they are not solved by rigid legislation or even constitutional amendment. They require constant study and frequent reconsideration. Mistakes will be made, and political deals effected. Nevertheless, no city can afford to adopt an ostrich policy of pushing its head in a hole and refusing to see the facts which must be faced boldly, with head up, clear eyes and intelligence.

J. B.

*

Courts Block San Francisco's Effort to Apply Hydro-Electric Earnings to Extensions

The supreme court of California in Uhl v. Badavacco, 248 Pac. 917, decided August 27, holds that San Francisco's one hundred million dollar project of supplying the city with water from Hetch Hetchy, authorized by the federal Raker act, is primarily a single public utility, and that the earnings of the great hydro-electric plant already in operation must be applied to the payment of the interest and sinking fund requirements and cannot be allocated to a separate fund to cover the cost of extending power lines to the city and erecting a distributing system. As the charter provides that the city can acquire a public utility only by funds raised by taxation or from the sale of bonds voted and issued therefor, the attempt thus indirectly to create a separate public utility is unauthorized. The provision in the charter that the supervisors *may* make appropriations from the surplus earnings to take care of the interest and sinking fund requirements is construed as *shall* under the elementary principle of statutory construction that permissive words are to be considered as mandatory when the interest of the public is involved. The funds already expended were authorized for supplying the city with water, and the expenditure of a large part of the proceeds of the bonds in installing a hydro-electric plant is a remarkable example of the extension of the doctrine of implied or incidental powers. Although this question was not directly involved, the court intimates its doubt that such a use of the funds was justifiable, although under modern conditions it was doubtless based on a sound business policy.

The effect of this decision will be to require San Francisco to raise by a bond issue the twenty-four million dollars still needed to deliver the water to the boundaries of the city and the forty million more to acquire or construct a distributing system, to make the water available to its inhabitants. As some thirty-eight million dollars in bonds for this project are still outstanding, the financial practicability of erecting power lines by the city and distributing the electric power directly may well be questioned.

C. W. T.

*

Expenditures in 1926 Primaries

A report of primary costs in twenty-eight states published by the New York *Times* shows small expenditures in all states holding primaries since the senate committee investigation of conditions in Pennsylvania and Illinois. The *Times* implied that the lowness of expenditure in twenty-six of the states listed is due to the exposures of the Reed committee, but proof is lacking because no data for expenses of primaries in other years in the same states are furnished. It should be added that eight states should not have had a place in the report, since in some the filing of expenses is not required and in others expenses had not yet been registered.

The catalog of primary costs in the remaining sixteen states is interesting, though furnishing too slight evidence for conclusions of any kind.

In Ohio, Meyer Y. Cooper, Republican nominee for governor, spent $40,000 (the greatest personal expenditure since the Pennsylvania and Illinois primaries). Atlee Pomerene, Democratic nominee for senator, spent nothing, and his friends only several hundred dollars in his behalf. Both Cooper and Pomerene, although representing extremes in the matter of expenditures, won nomination. Of the sixteen states, Ohio turned out the lightest primary vote, only 20 per cent of its voters taking the trouble to cast a ballot.

Very heated contests took place in Wisconsin and Iowa, yet $13,000 covered the personal costs of the senatorial primaries in Iowa. Smith W. Brookheart, successful Republican candidate, spent only $1479, one of his adversaries $4899, and the three others $5419 together, while the three contending Democrats all spent a total of $1125. In Wisconsin, where the radical and conservative wings of the Republican parties carried on a stiff contest for the senatorial nomination, Irvine L. Lenroot spent $14,847 and Governor J. J. Blaine, successful candidate of the La Follette group, $7436. Although in both Iowa and Wisconsin the contests were hot, only 50 per cent of the voters turned out at the polls.

It thus appears that a spirited fight may not occasion great primary expenditure nor indeed a heavy primary vote. In Texas, however, the active campaign involving "Ma" Ferguson consumed $11,000 of expense money and brought a record-breaking crowd to the polls.

After Pennsylvania and Illinois, Oregon had the greatest total primary expenditure, $65,567, partly accounted for by the number of contestants, five regular Republicans, one wet Republican, one Farmer Union Republican, and two Democrats. Only 55 per cent of the eligibles in Oregon voted.

North Carolina filed the lowest total amount spent for the nomination of senator, namely $2712. There were only two contestants and the vote was light.

After Texas, the greatest interest was shown in Alabama, where 65 per cent of the voters came out to select a candidate for the post left vacant by Senator Underwood. There were five contestants and of these Hugo Black, successful candidate, spent less than three other contenders and all were well within the $10,000 limit.

In the sixteen primaries considered, success and heaviest expenditure of personal or campaign funds did not go hand in hand. Heated contests were conducted without excessive expenditures by any contestants, and record votes did not follow dollars spent. On the whole the primary was shown to be working without too great financial cost on the part of candidates. Huge sums did not bring victory and many men with modest financial support won nomination.

G. R. H.

*

Are Our Public Schools Spendthrifts? We doubt if the average man appreciates how much cities are spending for free public education. Often the tax rate for schools equals or exceeds that for all other municipal purposes. In cities of over 30,000 population, the census bureau reports, expenditures for schools amount to about 40 per cent of the total operating expenses of all the general municipal departments put together. Ten years ago the schools' share was only 30 per cent. What will it be in ten or twenty years hence?

Are we spending too much for public education? Is what we do spend used wisely? Has our zeal for the welfare of the child blinded us to the need for the same practice of efficiency and economy in school matters such as we are more and more coming to demand in city government?

To some, indeed, it may seem almost iniquitous to question the operation of our public school system. On occasion, taxpayers have been told, almost in so many words, that their highest function is to vote supplies as professional educators dictate. Members of school boards will sometimes frankly admit that our schools are run extravagantly and wastefully, but none seem brave enough to protest publicity against further and greater expenditures.

We believe that the time has come for a re-examination of the quantity and quality of education offered without charge by our cities. We doubt whether it be a city's duty to extend a free college education to any who wish it. We doubt if it be the city's business to train lawyers, physicians, and engineers gratis. True, the subject requires the most careful thought and the gravest study, but others beside the professionally organized school teachers must share in such thought and study.

We, therefore, recommend to good citizens a reconsideration of our public education system. What is it offering the young people? Is it adapted to their needs? Is it running wild financially?

With respect to financial operation it would seem that some lessons may be learned from recent progress in the science of public administration. From the standpoint of business management, at least, signs are not wanting in many places of wastes and leakages in our public school system. We have been told on good authority that in Boston it costs 40 per cent more to build a public schoolhouse of a standard type and quality than to build a parochial school. Not long ago Duluth built a high school at a cost of $1000 per pupil served; a little later, after a public protest lead by the Duluth Taxpayers' League, a second high school equally as serviceable was built for $500 per pupil.

And now comes a report by the Boston Finance Commission on schoolhouse construction in that city. They find that although the school committee has paid lip service to the 6-3-3 principle (six years of grammar school, three years of junior high and three of high school), no real standardization has been carried out. It has therefore been impossible to standardize the educational facilities which the school buildings are to supply. No unit costs have been established and no studies of economical types of buildings have been made. Architects, left to their own devices, have produced expensive schools, unfitted for the service they are to render. The methods of arranging for construction are found to be haphazard and piecemeal, and the school committee has labored without attention to the future growth of school population, with resulting misfit buildings.

Few city governments to-day can display a more discouraging record of incompetency than this. Is it not time that the American people, justly proud of their mammoth school system, take care that it fall not under the blight of wasteful or slovenly management?

NEW YORK CITY'S NEW ASSESSED VALUATIONS

BY WILLIAM TURN

New York City's assessed valuations now equal the 1922 taxable valuation of real estate in the entire western half of the United States excluding Kansas and Nebraska. :: :: :: :: :: :: :: :: :: ::

Though the streets of New York are not paved with gold nor its buildings diademed with precious stones, the newly announced tentative assessments for the year 1927 mount up to the staggering figure of nineteen billion dollars. Of this total, four billions are tax exempt real estate, and one billion is personal property, so that the real estate assessments come to $14,655,899,795. This is equivalent to the 1922 taxable valuation of real estate in the entire western half of the United States, omitting only Kansas and Nebraska.

As compared with 1926, the new figures show an increase of $1,643,822,903 or 12.6 per cent. This increase alone is as great as the total valuation of Los Angeles, St. Louis, Baltimore, or Pittsburg. But even so, it is not as large an increase as has been made in other years. The new evaluation will probably shrink some as a result of assessment appeals. Last year the tentative increase was two billion dollars, of which well over half a billion was lost. When the real estate books are finally totalled up, it may be predicted confidently that the figure will not be far from fourteen and one third billion dollars.

Under the tax system of New York State very little personal property is subject to taxation. There are no taxes on money or intangible wealth as these are reached through the personal and corporate income taxes. Automobiles are not taxed as property; they are reached under the license tax. Each taxpayer is allowed, by law, a personal property exemption of one thousand dollars, and by practice very much more than this. And finally, all debts may be deducted from personal property assessments. It is this provision which almost nullifies the work of the personal property assessors. For example, last year the assessors, after diligent study of the social register and the general directory, listed $959,994,950 of personal property for taxation only to have seven hundred million dollars of this "sworn off" as exempt chiefly by reason of debt deductions. This year the assessors have listed $1,031,091,975, and it is a safe guess that only $275,000,000 will be there "when the roll is called up yonder" in March, 1927. There are 83,000 names on the personal property tax roll.

ASSESSED VALUES STILL BEHIND ACTUAL VALUES

Even with the increased assessments, the real estate valuations will still be well behind actual values. Though this has been disputed by real estate authorities, sale prices in Manhattan, compared with assessed values, involving $45,000,000 in 550 separate transactions, show that the old tax roll represented only about 72 per cent of full value. In the other boroughs, where values are increasing faster because of the newer developments, the under assessment is undoubtedly greater.

It may be of interest to note that the highest valued building is the Equitable Building, which is put at $31,000,000. The American Telephone and Telegraph Building comes next with $18,000,000. The Woolworth Building is assessed at $11,250,000. The highest valued hotel is the Commodore at $14,000,000. Comparatively few increases have been made among the office buildings. The largest increases for individual buildings are among the hotels. The personal property assessments read like the social register. As in the past, John D. Rockefeller heads the list with $1,100,000. There are very few under five thousand dollars.

For 1927, the total tax roll for the levy of city taxes will be between fourteen and a half, and fourteen and two-thirds billions of dollars. This will give the administration a ten per cent larger tax base than last year, and an opportunity to raise the budget some $35,000,000, without lifting the tax rate. The new budget is now in its first stages, and the comptroller and various citizen groups are demanding drastic budget cuts, so that there is a fair prospect that the rate for 1927 will be lower than in 1926, in spite of the fact that New York City's tax rate has a habit of going up when the next election is so far away and nothing is at stake.

A NEW GOVERNMENT FOR AN OLD PEOPLE

BY JOHN J. HORGAN
Cork, Ireland

The Irish Constitution contains features novel to Americans. Some modifications may be necessary in the light of experience, but on the whole the new institutions are working well. :: :: :: ::

THE constitution of the Irish Free State, the latest Dominion of the British Commonwealth of Nations, is unlike those of any of its sister nations. It is the result of a distinct and separate conception. The causes of this difference fall broadly under two heads. The first is that Ireland is an ancient nation and a mother country in her own right. She has peopled the earth with her children. The other Dominions were originally only colonies, offshoots from the main English stock from which they naturally derived their habits of thought and life. Ireland was a nation before Canada or Australia were yet discovered and in the eighth and ninth centuries when Europe fell into decay after the barbarian inroads it was Irish missionaries who brought light and leading to the stricken continent. It was they indeed who first brought Christianity to England. These facts live in the consciousness of the Irish nation to-day and cannot be dismissed by anyone who desires to understand its present or future problems.

The second cause of difference is that the constitutions of the other Dominions are no longer based on realities. They were granted to children who have since grown to maturity and who now ignore many of the expressed or implied restrictions they contain. The colonies have become sister nations, and are very jealous of their nationhood. All that this growth implies is to be found clearly and fully expressed in the constitution of the Irish Free State which is based on the treaty concluded between the representatives of Ireland and England on December 6, 1921, at the close of the Anglo-Irish conflict. This treaty in its first clause sets out that "Ireland shall have the same constitutional status in the Community of Nations known as the British Empire as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa, with a Parliament having powers to make laws for the peace, order and good government of Ireland and an Executive responsible to that Parliament, and shall be styled and known as the Irish Free State." It goes on to provide that the "law, practice and constitutional usage" of Canada shall govern the relations of the Irish Free State with the Imperial Parliament and Government, and it is well to emphasize the fact that this constitutional usage implies not the old trunk of the Canadian constitution but the living tree of nationhood which has been grafted thereon and grown with "freedom slowly broadening down from precedent to precedent." It will therefore be realized that the freedom and virtual independence of the Irish Free State is guaranteed by the other Dominions, for any attempt made to diminish its liberties would touch them equally.

It may well be doubted if an Irish Republic would be so well secured and guaranteed against any hostile attack on its liberties.

Unlike the constitution of Canada the constitution of the Irish Free State is "broad based upon the people's will." "All powers of government," it says in article 2, "and all authority legislative, executive, and judicial in Ireland, are derived from the people of Ireland and the same shall be exercised in the Irish Free State through the organizations established by or under, and in accord with, this Constitution."

THE LEGISLATURE

The legislature, known as the Oireachtas, consists of the King and two houses, namely the Chamber of Deputies (or Dail Eireann) and the Senate (or Seanád Eireann), in which legislature resides the sole and exclusive power of making laws for the peace, order and good government of the country. The number of members in the Dail shall not be fixed at less than one member for each 30,000 of the population, or at more than one member for each 20,000 of the population. The present number of members is 153. They are elected by a system of proportional representation, every citizen over 21 years without distinction of sex being entitled to vote.

The senate which consists of 60 members is elected by the whole country, voting as one constituency under proportional representation, from a panel selected by the Dail and senate, and composed of citizens who have done honor to the nation by reason of useful public service or who because of special qualifications or attainments, represent important aspects of the nation's life. Only citizens over thirty years of age can vote in the senate election or are eligible for election thereto. No person can be a member of both houses at the same time. Members of both houses must take the following oath, concerning which so much controversy has taken place:

> I ——— do solemnly swear true faith and allegiance to the Constitution of the Irish Free State as by law established, and that I will be faithful to His Majesty King George V his heirs and successors by law in virtue of the common citizenship of Ireland with Great Britain and her adherence to and membership of the group of nations forming the British Commonwealth of Nations.

Members of both houses and the reports of their proceedings are privileged. Both houses elect their own chairman and deputy chairman and make their own rules and standing orders. Their members are paid $1800 a year and free first-class travelling expenses to and from their constituencies. The legislature must hold at least one session in each year and it is summoned and dissolved by the governor general in the name of the king. Its sittings are public unless in case of special emergency when either house may hold a private sitting with the assent of two-thirds of its members.

A general election for the Dail must be held on the same day throughout the country and it can only be dissolved on the advice of the executive council or cabinet. Vacancies in the Dail are filled by public election and in the senate by a vote of the senate itself. The Dail must dissolve every four years. One-fourth of the senate retires every three years and the term of office is twelve years. The co-opted members of the senate have to seek re-election at the next election after their co-option. The senate has power to amend every bill save a money bill and, if its amendments are not accepted by the Dail, can delay the bills enactment for a period of 270 days after it has been first sent to it for consideration. A bill may be initiated in the senate and sent to the Dail. All bills must after they have passed both houses receive the king's assent from the governor general, but this in accordance with Canadian precedent is a mere formality. The Oireachtas or legislature has power to create subordinate legislatures or vocational councils representing branches of the social and economic life of the nation, but this power has so far not been exercised and probably never will be. Provision is made for submitting legislation to a national referendum on the demand of three-fifths of the senate or one-twentieth of the registered voters, and also for the initiation by the people of proposals for laws or constitutional amendments.

AMENDMENTS

The Irish Free State save in case of actual invasion cannot be committed to active participation in any war without the assent of the Oireachtas. Amendments of the constitution may be made by ordinary legislation during the first eight years after the enactment thereof but after that time they must be submitted to a referendum and receive a majority of the voters on the register or two-thirds of the votes recorded. A government committee has recently been sitting to consider what alterations in the constitution are desirable, as owing to the time limit mentioned legislation must be introduced in the near future to deal with this matter.

THE EXECUTIVE COUNCIL

The executive council or cabinet consists of not more than seven nor less than five members of Dail Eireann, and must include the president and vice president of the council and the minister for finance. The president of the executive council is appointed on the nomination of Dail Eireann and is in practice the leader of the government party. He nominates the vice president and the other members of the council and holds a position analogous to that of prime minister in Canada. He and the council must retire from office when they cease to retain the support of a majority in Dail Eireann. The Dail cannot however be dissolved on the advice of an executive council which has ceased to retain the support of a majority in Dail Eireann. Such a situation as has recently arisen in Canada could not therefore arise in the Irish Free State.

The executive council is collectively responsible for all matters concerning the departments of state administered by its members and must prepare estimates of the receipts and expenditure of the Irish Free State for each financial year for presentation to Dail Eireann. Dail Eireann nominates certain ministers who are not members of the executive council on the recommendation of a committee representing all parties. These ministers are called external ministers and hold office for the full term of the Dail, whether the executive council resigns or not, and they are individually responsible to the Dail alone for the administration of their departments. It cannot be said that this arrangement has so far proved of any advantage in practice, and it is difficult to understand why in a country whose principal industry is agriculture the minister for agriculture is not a member of the executive council. Every minister has the right to attend and address the senate. A member of the Dail who becomes a minister need not resign his seat or submit himself for re-election.

The present executive council consists of seven members: the president of the council, Mr. William Cosgrave; the vice president, Mr. Kevin O'Higgins, who is also minister for justice; the minister for finance, Mr. E. Blythe; the minister for Industry and Commerce, Mr. McGilligan; the minister for education, Professor O'Sullivan; the minister for external affairs, Mr. Desmond Fitzgerald and the minister for defence, Mr. P. Hughes.

The external ministers are four in number namely: the minister for posts and telegraphs, Mr. Walsh; the minister for fisheries, Mr. Lynch; the minister for lands and agriculture, Mr. Hogan, and the minister for local government and public health, Mr. Burke.

All the ministers receive special remuneration. Dail Eireann appoints the comptroller and auditor general who controls all disbursements and audits all accounts of moneys administered by or under the authority of the legislature, reporting to the Dail with reference to same. He can only be removed for stated misbehaviour or incapacity on resolutions passed by both Dail and senate.

THE COURTS

The judicial powers of the Free State are exercised by a supreme court, which is the court of final appeal and courts of first instance which include the high court, the circuit court and the district court. The two latter courts are courts of limited and local jurisdiction. The decisions of the supreme court are final, but the constitution expressly provides that nothing shall impair the right of any person to petition the king for special leave to appeal from the supreme court to the Imperial Privy Council sitting in London. This last mentioned right has already been the occasion of controversy, as the Free State government apparently contends that appeals to the Privy Council should only be allowed in cases raising questions of grave constitutional importance arising out of the treaty with England. Recently the Imperial Privy Council admitted an appeal in the comparatively unimportant case of Lynam v. Butler. This case raised an issue concerning the Irish land law which is a purely domestic code. The Free State government took the most effective step to stop such procedure by passing an act which settled the disputed point in accordance with the decision of the Irish supreme court which was appealed against. For the government to have taken any other course would have been to permit an erosion of the Irish constitution which would probably have been extended in the future with disastrous results.

The judges are appointed by the governor general on the advice of the executive council and are independent in the exercise of their functions. They can only be removed from office for stated misbehaviour or incapacity and then only by resolutions passed by the Dail and senate. The judicial power of the high court extends to the question of the validity of any law having regard to the provisions of the constitution. The rights of all citizens to liberty of the person, proper legal trial, and freedom of conscience and religious practice, are duly guaranteed.

The Irish and English languages are equally recognized as official languages. No title of honour can be conferred on any citizen except with the approval of the executive council.

HAS WORKED WELL

It may be stated that the constitution of the Irish Free State has in general worked well. Certain details have of course obtained and deserved criticism. The system of election by proportional representation has encouraged group representation, and if it leads to weak coalition governments, which it has not yet done, it may require amendment. It undoubtedly saved the country in 1922 by enabling public opinion to assert itself and smash the ridiculous, dishonest, and unworkable pact entered into between the Republican and Treaty parties, who for their own ends, owing to incompetent leadership, proposed to turn the general election into a sham battle which would have decided nothing and left the country in a worse position than it was before.

The recent senate election has proved that, whilst it is technically possible to hold an election under this system with the whole country as one constituency, the type of candidate nominated and elected does not correspond with the requirements of the constitution, and it would seem that if the senate is to be composed of "citizens who have done honor to the nation by useful public service" then it will be necessary to devise some new method of election. In a small country like Ireland it is extremely difficult to secure many candidates for high public office who possess the intelligence, experience and independence to discharge adequately the duties imposed on them, and even more difficult to establish their reputations outside their own locality. My own view is that the senate should be elected by the public bodies and institutions which represent the various economic and cultural ramifications of the nation's life such as the universities, the trade unions, the chambers of commerce, and professional councils. The senate should also be given an adequate power of veto which it does not possess at present and should at least be able to refer a bill to a joint sitting of the two houses of the legislature a majority of which body should be decisive on any question of amendment or rejection.

No use has so far been made of the provisions concerning the referendum and initiative and they may be regarded rather as possible safety valves than as working constitutional machinery. The waters of Irish politics have for so many years been polluted by personal abuse and diverted into destructive channels that public opinion is little used to clear constructive thinking or action. Platitudes have too often done duty for principles and personalities for argument. This condition of things is now fortunately passing. In one specific case however the threat of a referendum brought the government to its senses and prevented it from cutting off its nose to spite its face.

These, however, are all matters which time and experience will rectify. They cannot obscure the central and important fact that the Irish Free State has made good. "A nation is on the march."

PERMANENT ELECTION REGISTRATION IN OMAHA

BY JOSEPH P. HARRIS
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Registration for election is often unduly troublesome to the voter and expensive to the government. Permanent registration tends to reduce both trouble and expense. Since 1913 Omaha has operated without fraud and at a lower cost than other cities with periodic registration.

Omaha has one of the best systems of registration found in any city in the country. It is thoroughly and efficiently administered; it is economical in operation and effective in preventing voting frauds; and it is, on the whole, convenient to the voter, though some improvement could be made along this line. Other registration systems have succeeded under favorable conditions, with the absence of strong party machines, but registration in Omaha has been a success in the face of a strong political machine which formerly resorted to all sorts of fraudulent election practices. The present election and registration law brought about clean elections after the city had been cursed with crooked elections for years.

THE ORGANIZATION

The present election law for Douglas county, in which Omaha is situated, was enacted in 1913 after crooked elections had existed in Omaha for years, and the details had been brought out in an investigation in connection with a contested seat in the state senate of that year. The bill was prepared after many conferences by some of the practical reformers and opponents of the political machine of the city. The two central features of the organization are: first, the divorcement from bipartisanship and machine domination, and second, the centralization of power and responsibility in the hands of a single man. Both features have worked exceedingly well in practice, contrary to the conventional theories on the subject which demand strictly bipartisan, board control of election administration.

At the head of the election and registration administration is a single election commissioner, appointed for a term of two years by the governor of the state. He is also ex-officio jury commissioner, and receives a combined salary of $4500 annually. In the history of the office there have been only two commissioners. The first com-

Ed. Note.—Articles by Dr. Harris on registration systems of other cities have appeared in the Review for October, 1925, April, 1926, and September, 1926.

missioner was the Honorable Harley G. Moorehead, a leading attorney of the city, and a Democrat, appointed by a Democratic governor. Mr. Moorehead was continued in office by succeeding governors, Democratic and Republican alike, from 1913 until he resigned in 1922. His successor, the Honorable William S. McHugh, Jr., was appointed by a Republican governor, but was reappointed by Democratic and Republican governors. The custom is now well established that the incumbent shall be continued in office as long as he gives the city a clean election administration, regardless of his politics, and public sentiment demands this of the governor.

The success of the system of election and registration administration is due in large measure to the vigorous administration of the first election commissioner, who used the large powers vested in the office to clean up elections. He demanded the service of the best citizens of the city on the election boards, and with compulsory powers in the law, would not accept a denial. With a fearless hand he threw out the old line political ward heelers, and brought independent, respectable citizens into the service. After the new administration was placed thoroughly on its feet, it was no longer necessary to require the service of the leading citizens, but in the early days their service was demanded and secured.

The election commissioner has always been opposed by the strong party machine, known locally as "the gang." In the early days of the office, the machine-controlled newspapers hounded the commissioner with every conceivable charge and placed him in the headlines on the first page with unfavorable publicity continually. Even now the city "boss" is loud in his denunciation of the system of a single commissioner of elections, and asserts that the only fair way to run elections is to have a bipartisan board. This attitude is only natural, since the "boss" would dictate the appointment of the representatives of both sides on such a board. Year after year the machine has attempted to secure control of the office of commissioner, but has not been able to do so, due in part to the growth of a public sentiment that the office must be kept out of politics, and in part to the pressure upon the governor from the rest of the state to use his appointing power to insure clean elections in Omaha, which has a large effect upon the result of state elections. Obviously, there is a danger that "the gang" may some time secure control of the powerful office of election commissioner, and run elections with a high hand, but the danger does not seem to be great. Even "the gang" could not force the governor to appoint a palpably bad person to the office, and the danger is not greater than it would be with a supposedly bipartisan board, actually controlled by "the gang."

The law provides that there shall be a deputy election commissioner, appointed by the commissioner, from the leading political party opposed to the one with which the commissioner is affiliated. This provides, in a way, for bipartisanship, but the deputy is at all times subject to the orders of the commissioner, and may be removed at will. For some years after the law went into effect, the deputy, who was paid $1800 annually, devoted his entire time to the duties of the office, and was merely one of the clerks of the office. The practice has now changed; the present deputy devotes only what time is required; acts as counsel to the commissioner, and assists in the supervisory work. The deputy is always personally selected by the commissioner, and works in close harmony with him.

The permanent office force consists of

only two persons, a chief clerk and a stenographer. They are both personally appointed by the commissioner, and subject to removal by him at any time. No thought is given to the party affiliation of the permanent employees. As it happens, at the present time both the chief clerk and the stenographer are members of the opposite political party from that with which the commissioner is affiliated.

Extra help is employed by the commissioner, or by the deputy or chief clerk under his instructions. No heed is paid to party affiliations, and appointments are not made from party recommendations. Applicants are interviewed, and those possessing apparently the necessary clerical qualifications are tried out. When extra help is needed employment agencies are notified and other means are taken to secure independent applications, without regard to party affiliation. The extra help is employed in much the same manner that a private firm would use to secure extra clerical help. It is not under civil service, and no examination worthy of the name is given, but the degree of clerical training and skill required is not great, and a trial of the applicant takes the place of a formal examination.

The number of persons employed as extra help runs as high as from seventy-five to a hundred persons during the rush period before a general election. The usual compensation paid is fifty cents per hour, though a few employees used as supervisors are paid sixty-five cents per hour.

PRECINCT INSPECTORS

The most important cog in the machinery of registration, aside from the commissioner, is the precinct inspectors of election. There is one inspector for each precinct who on the day of election has full charge and control of the conduct of election in his precinct. He makes the canvass of registered voters after the close of registration. The idea of centralized power and responsibility in elections is carried right down to the precinct. What the commissioner of elections is for the city, the inspector of election is for the precinct. If corrupt elections occur in any precinct the inspector is responsible.

The inspectors of election are far above the average run of election officers. As a rule, they are high-minded, respectable citizens, who accept the position in the spirit of public service at a personal sacrifice. This type of person is secured because of the following reasons: first, they are personally selected by the election commissioner, who is responsible for their conduct; second, they are selected without regard to party affiliation, and not upon the recommendation of party organization; and third, the position is one of considerable power and responsibility, which makes an appeal to desirable persons. The inspectors do not have to reside in the precinct to which they are assigned. In 1925 only 32 out of a total of 161 inspectors in the city resided in the precinct of which they had charge. By a detailed study it has been found that few inspectors are taken from the "river wards," most of them coming from the better sections of the city. The commissioner of elections may compel the service of any citizen appointed as an election officer. In the first years of the operation of the law it was necessary to use this power, but since the system has become well established, it has not been necessary to compel service.

The law contains an unworkable provision that the inspectors shall be divided between the two parties as nearly in proportion to the vote cast for each party at the preceding election as possible, but in practice no attention, or practically none, is paid to the party affiliation of persons appointed as inspectors. By selecting the inspectors without regard to party affiliation a normal balance between the two parties is secured. In 1925 there were 96 Republicans, 78 Democrats, and 1 Prohibitionist.

The following tabulation of the occupations of the inspectors is significant:

Attorneys	34	Merchants	9	Students	3
Clerks	25	Secretaries	8	Professors	2
Salesmen	24	Farmers	8	Pastors	2
Mechanics	12	Insurance	7	Printers	2
Managers	11	Superintendents	6	Abstractors	2
Realtors	9	Bankers	5	Editors	1
		Retired	5		

Total, 175; city inspectors, 161; county inspectors, 14.

It will be noticed that practically all of the inspectors come from the "white collar" class, and many of them persons of apparently responsible positions. It is significant that attorneys lead the list, and that attorneys, clerks, and salesmen combined constitute half of the total. A detailed study of the ages of the inspectors shows also that most of them are in the prime of life. Seventy are between thirty and forty years of age, and thirty-one are between forty and fifty years of age. Only a comparatively few fall within the retired class.

The compensation paid to the inspectors is only five dollars per day. In making the canvass of registered voters they are permitted to do the work at whatever time is most convenient to themselves, and keep an account of their own time. They are not limited to a fixed amount of time, but rather are told to take whatever time is necessary, and the commissioner allows any reasonable claim. The cost of making the canvass, however, is very reasonable, indeed, indicating that the inspectors are quite moderate in their time reports.

No definite data could be secured as to the turnover of the inspectors, but it was stated that a number had served since the office was first created, and most inspectors serve for as long as four years. The commissioner puts pressure upon them to serve at least this long, though after four years it is entirely optional with the inspectors as to whether they will serve longer.

REGISTRATION RECORDS

Registration is made upon duplicate, loose-leaf forms, which contain quite complete data concerning the voter, including a personal description indicating color of hair, color of eyes, age, apparent weight, apparent height, and other means of identification, and also the signature. After the registration is taken, two additional copies are prepared on the typewriter, and four copies of the register are kept in loose-leaf form. This excessive number is required by state law, and involves an unduly large amount of clerical work to keep all the records corrected. All of the four registers are kept in the same identical form—alphabetical for each precinct. The original register never leaves the vault of the office, the duplicate of the original registration and the two typewritten copies being sent to the polls in locked binders.

There is maintained also an alphabetical card index of all the voters of the county. Upon these cards is recorded the name, address, date of registration, age, party affiliation, ward and election district, and naturalization data. Spaces are provided for new addresses, and the index is kept corrected up to date.

There is no street list of voters printed, as is common in other large cities. The party organizations before most elections request the office to prepare for the use of their workers alphabetical precinct lists of the registered voters, which are typewritten, and the cost divided between the parties asking for copies. The registers are open for public inspection, but no other publicity is given to the registration. No complaint is raised against the absence of printed lists of voters.

PROCEDURE OF REGISTRATION

Registration is conducted at the central office throughout the year, with the exception of ten days prior to each election, when it is closed. Registration is also provided for the outlying precincts, and registration officers are sent out to places in different sections of the city for registration sessions of one or two days in length. This, however, is confined to only three places, and ordinarily to one day only. It is believed that all registration should be conducted at the main office under strict supervision.

The registration is conducted by the regular or extra employees under the close supervision of supervisors. The normal procedure is for the applicant to come before one of the employees at the central office, answer the required questions, and sign his name upon the original and duplicate records, thus completing the registration. The supervisory officers, including the commissioner, deputy, and the chief clerk, are on hand to take up any unusual case which may arise, and to watch out for anything which may appear suspicious. The supervisors keep a sharp lookout for groups of applicants being brought in by party workers, and are careful to see to it that every applicant answers the required questions, and not to permit the precinct captain to answer for him. Naturalized citizens are required to produce a record of their naturalization, or that of the person through whom they were naturalized. No provision is made for absentee registration.

The registered voter is continued on the register as long as he resides at his registered address. There is no provision for transfer of registration, and the voter who moves is required to register from the new address. At the time he registers he is asked the place of residence at the last registration, and if that is within the county, the previous registration is canceled. This is a faulty process. It inconveniences the voter by requiring him to register anew when he moves. It adds greatly to the work and expense of the election office, for new registration records are required

CORRECTION OF REGISTRATION

The death reports and the reports of persons convicted of disfranchising crimes are used to cancel registration. The principal means of keeping the registers free from dead weight, however, is the precinct canvass. A canvass of the entire city is made before general elections by the inspectors of election in each precinct. Before primaries and other elections a canvass is made only where it is deemed necessary and is usually confined to the transient section of the city.

A street list of registered voters is prepared in the election office after the close of registration and is turned over to the precinct inspectors to use in making the canvass. There is but one precinct inspector, and he, regardless of his party affiliation, makes a house to house check upon the residence of registered voters, and issues a challenge for every voter not found. The inspectors are thoroughly responsible persons, and a thorough canvass is secured. Special care is taken in the transient sections, and inspectors qualified to handle the type of persons encountered are assigned. Some of the down-town inspectors are quite "hard boiled."

When the list of voters is handed in by the inspectors, the office sends out through the mail as soon as possible a challenge notice to persons who were not found. To remove the challenge it is necessary to secure the affidavit upon a proper form of two qualified voters of the precinct, and if the challenge is not removed within a year, the registration is canceled. The voter is permitted, however, to remove the challenge at the polls on the day of election. This is necessary because there is not sufficient time to handle the work before the day of election. In the shady precincts the inspectors are instructed to be very careful in accepting the affidavits, and require the two voters of the precinct making such affidavit to appear in person at the polls.

The cost of making the canvass is extremely small, even though the inspectors are paid for whatever time they may require to canvass the precinct. The average cost per precinct for the general election of 1924 was only $12.75, and the cost per registered voter only 2.8 cents. The canvass is very thoroughly made, especially in the sections of the city where fraud is most likely to occur.

When the voter appears at the polls to vote he is required to sign his name in the poll list. The law does not specifically require the comparison of his signature with that on the registration record, but this is done in most precincts for persons who are not personally known to the inspector, and may be done at any time. In the precincts where fraudulent voting is feared the inspectors are instructed to be very strict about making the comparison of the signatures. Every voter is not positively identified when he votes, but there is the possibility that a comparison of the signatures may be made, and this is sufficient to prevent impersonation.

Registration frauds in Omaha are practically unknown now, though before the present system of registration was adopted, fraudulent voting was quite common. This is a remarkable achievement in the face of a strong political machine which is none too scrupulous in its tactics. The credit for clean elections is due both to the system of registration and to the honest, independent, and vigorous administration.

THE COST OF REGISTRATION

The cost of registration in Omaha is relatively low, though it is higher than in some other cities with permanent registration. It is much lower than in cities with periodic registration. The largest cost of registration comes in the office administration, which is high because of the cumbersome system of maintaining four registers for each precinct of the city, in addition to the card index of registered voters. This is an unnecessary duplication of records. Considering the type of registration secured, the cost is very low.

The following table of the cost of registration is taken for a three-year period, since municipal elections are held only once in three years, and three years constitute a cycle of registrations and elections:

ESTIMATE OF THE COST OF REGISTRATION IN OMAHA FOR 1922, 1923, 1924

Salary, election commissioner (50% charged to registration)	$4,500.00
Salary, deputy (50%)	2,700.00
Salary, permanent office force (50%)	4,140.00
Salary, extra help (90%)	33,375.34
Registration blanks and forms (estimated)	1,900.00
Index cards (estimated)	131.25
Challenge notices, including stamps (estimated)	1,260.00
Miscellaneous supplies (estimated)	100.00
Total	$54,663.09
Average annual cost	$18,221.03
Average annual cost per registered voter (average, 70,000)	26c

STATISTICS OF REGISTRATION AND VOTING

Unfortunately, statistics on the registration and vote cast are available for only since 1922. In that year there were 66,100 registered voters in Omaha, with an estimated potential vote of 121,000, making 54.6 per cent of the potential voters registered. In 1924, with an estimated potential vote of 132,000, the registration was 66,723, or 56 per cent. These statistics indicate a relatively low percentage of potential voters registered. This probably may be accounted for through the general political situation rather than through the system of registration, which, in the main, is convenient to the voter. There are some features of the system which tend to restrict registration, however. In the first place, the canvass of registered voters is very thoroughly done, and dead weight removed from the registers. The challenges run as high as 20,000 at each canvass. The political "boss" of the city complains that the election commissioner disfranchises more votes than he ever stole. This does not mean that *bona fide* voters are disfranchised, as the "boss" asserts, but only that the lists are kept free from being padded.

The requirement of the voter who moves to come to the main office to register anew serves to deter registration. A system of transfer would add to the convenience of the voter and would increase the registration. The restriction of registration to the central office, with a few exceptions, also makes registration inconvenient to the class of voters who never come to the heart of the city. More use of outside registration offices would make the system more convenient and increase the number of registered voters.

The comparative statistics of registration by wards indicate a very healthy condition. The three "river wards" have the lowest registration in the city. In 1922, using the census report of 1920 uncorrected to take into account the growth of the city, 61 per cent of the potential voters of the city were registered. The percentages in the three "river wards" were only 56, 42, and 40, respectively, while the better wards of the city ran from 64 to 77 per cent registered.

SUMMARY

The most significant feature of registration in Omaha is the organization rather than any mechanical feature of the system. The old theory of bipartisanship and divided power and responsibility has been discarded, and in its place has been set up independent, non-partisan, centralized, responsible administration. At the head of the organization is the single election commissioner, whose independent and non-partisan administration of elections is attested to by the fact that a Democratic commissioner was reappointed by Republican governors and a Republican commissioner by Democratic governors. The custom has grown up to appoint and to continue in office a commissioner who is more or less independent of party ties.

The backbone of the registration system is the precinct inspectors of election, who investigate registration and are responsible for their precincts. Responsible, well-to-do citizens serve as inspectors because they consider it the patriotic thing to do. The position is one of power and responsibility and is filled without regard to precinct or party lines.

THE FATE OF THE FIVE-CENT FARE

IV. THE TWIN CITIES LOSE CONTROL OF RATES AND ALSO THE FIVE-CENT FARE

BY WILLIAM ANDERSON
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The Twin Cities, unable to solve their street railway difficulties, lose control to the state railroad commission. Efforts of recent years yield disappointments, and no one knows what the future holds :: ::

In an article prepared early in 1920[1] the writer reported the war-time difficulties of the Minneapolis Street Railway Company under a five-cent fare franchise, and the proposal and defeat of a cost-of-service franchise. At that time the city was still in position to exercise control over the street railway company, had it been able to find a way to do so, and was also still the beneficiary of a fixed five-cent fare. At the same time it was plainly written in the stars that, unless the city took early and positive steps to make secure these advantages, they would soon be taken away. So clearly was this the case that the writer, after asserting that Minneapolis had recently "done nothing constructive to solve her transportation problems," made bold to predict (most unprofessorially) as follows:

> There is no question that the next move should come from that group opposed to the late franchise, represented by Mayor Meyers and the minority of the central franchise committee. They have defeated one proposal; what constructive measures they will propose do not yet appear. If their solution is not ready for submission before the next legislature meets, it is almost certain to be confronted with a new demand from the company, and a demand more compelling than ever, to transfer them to the jurisdiction of the state railroad and warehouse commission. There will be influential representatives from Minneapolis to present this view. They will be equipped with the very plausible argument that "home rule has failed." The legislature, which has already threshed this old straw many times, and which has long been restive under the burden of passing on so many of Minneapolis' problems, will be strongly inclined to settle this question once for all by establishing state regulation.

The next session of the legislature was due to be held in St. Paul in January, 1921. This was practically the last session at which the legislature could solve the Minneapolis street railway problem, since the existing franchise was due to expire early in 1923 and the company had to have some time to prepare for a change. But in fact even before 1921 the city saw the street railway problem rapidly entering a new phase. The five-cent fare passed out in 1920, not only in Minneapolis but also in St. Paul, and the manner of its going was as follows:

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[1] See National Municipal Review, February, 1920 (Vol. IX, p. 78).

A STRIKE IS THREATENED

In the campaign of 1919 an organization of street railway employees had worked actively for the proposed franchise on the ground that only by getting increased revenues could the company afford to pay its employees a much-needed increase in wages. At that time the men were receiving a maximum of fifty cents an hour and were working ten hours per day. In the spring of 1920 the Trainmen's Coöperative Association, which was not strictly speaking a labor union, announced a demand for increased wages and shorter hours which the company declined to grant. Thereupon the leaders threatened to call a strike on July 1, but the strike was avowedly not so much against the company as it was against the city council and the city. One leader was quoted in June as having said that "since the company has been unsuccessful in getting permission to increase fares and since it is the only means to enable the company to grant our requests, we propose to take up the matter of getting this permission ourselves. We will tie up the system until this permission is granted."

Much has been said in denunciation of the Boston police strike as "a strike against public authority," and of the "holdup methods" by which the railroad brotherhoods procured the passage by congress of the Adamson law, but it was, surprisingly enough, only the Socialist and labor leaders in Minneapolis who strongly denounced this threat of the trainmen's association. The president of the street railway company publicly advised the men not to strike, but he really fell into line with their general plan when, early in June, he asked the city council in the emergency to waive the five-cent fare provision of the charter and to allow the company to charge a seven-cent cash fare and to sell four tickets for twenty-five cents. His argument was that in the face of high operating costs the company could not raise wages as it should without a fare increase, and that without a higher wage scale it was impossible to man enough cars to give adequate service.

While these events were occurring in Minneapolis, St. Paul was being confronted by an almost identical situation. The St. Paul City Railway Company, like the Minneapolis Street Railway Company, is an operating subsidiary of the Twin City Rapid Transit Company of New Jersey and has, with a few exceptions, the same officers. In St. Paul, as in Minneapolis, the trainmen had organized; a strike had been threatened for July 1; the company had applied for higher fares; and the voters had gone so far as to approve fare increases by the council provided the service were first improved.

In this Twin City transportation crisis, the councils of the two cities found it wise to meet in joint session to survey the situation. To one of their joint meetings came the president of the two systems with some informing figures. He showed that the Minneapolis system was doing 50 per cent more business than the St. Paul system, and that in 1919 and the first four months of 1920 the net results of operation had been as follows:

	Minneapolis system	St. Paul system
First eight months, 1919, net income	$671,516	$100,005
Last four months, 1919, with slightly higher wage scale, net income	294,448	(loss) 40,869
Net for 1919	$865,964	$59,135
First four months, 1920, net	$327,980	(loss) $16,166

Thus the books showed that on a five-cent fare basis, and with the existing wage scale, the St. Paul lines had lost $57,000 in the last eight months, while the Minneapolis lines had earned over $622,000. The Minneapolis earnings for 1919 were equivalent to 6 per cent on over $16,000,000 valuation, or 4 per cent on $24,000,000 after expenses, taxes, and bond interest had been paid. For the first four months of 1920, still on the five-cent fare, the net earnings in Minneapolis were fully as good as in 1919, but the St. Paul lines continued to lose.

To many Minneapolitans these figures were proof of a long standing suspicion that, through the medium of the Twin City Rapid Transit Company, the Minneapolis car-riders were being mulcted to subsidize the car-riders in St. Paul. To them it seemed that the logic of the situation demanded a financial, but not an operating separation of the two systems, with increased fares in St. Paul and a continuance of the five-cent fare in Minneapolis. There can be no doubt that there was justice in this view, but it did not cover the whole case. Even in Minneapolis the earnings were not large enough to justify any considerable increase of trainmen's wages, and the strike ultimatum still hung over the city. Furthermore, a financial separation of the systems would mean the loss to Minneapolis citizens of the privilege then enjoyed of riding into the "midway" or "neutral" zone of St. Paul without payment of an extra fare.

THE FIRST FARE INCREASE

While the two city councils were pondering the question of fares, the mayors of the two cities had organized arbitration boards to mediate between the trainmen and the company. The strike was postponed during the pendency of these negotiations. Late in July the Minneapolis arbitration board reported its recommendation that the men be given an increase of ten cents per hour in wages, that hours be reduced from ten to nine, that service be restored to the 1917 standard of 6.5 passengers per car mile (it had fallen to more than eight per car mile), and that the company be allowed to charge a seven-cent cash fare and to sell four tokens or tickets for twenty-five cents.

The mayor and many citizens of Minneapolis continued to protest against this increase of fares, but the councilmen, moved by the renewed threat of the trainmen to strike on August 7, late on August 6 passed an ordinance embodying most of the recommendations of the arbitration board but declaring that until December 15 the fare should be six cents cash. The people were to be led by easy stages to higher fares,—but the five-cent fare was gone. The ordinance also required the company to make certain extensions, and also, when accepted by the company, as it soon was, authorized the council thereafter to regulate fares "notwithstanding the provisions of any existing street railway franchise." This ordinance the mayor declined either to sign or to veto.

Meanwhile in St. Paul the trainmen had allowed an additional two weeks for council action. This extra time the council used for further parleys, but in the end it fell into line. The ordinance which it passed followed closely that enacted in Minneapolis. In due season the trainmen received the increased wages recommended by the several arbitration boards. Efforts were made, also, to improve the street car service, but this was very slow work, and at the end of November the president of the companies announced that, since the companies had been unable to improve service sufficiently, they did not yet feel justified in raising the fare from six to seven cents. This was in the circumstances an eminently fair and diplomatic course to pursue.

THE STATE ASSUMES CONTROL OF RATES

The next steps in Twin City street railway history were taken by the 1921 session of the legislature. The opponents of increased fares were without a program of constructive action. In the case of those living in St. Paul this was not unpardonable since the street railway franchise in that city had many years left to run, and the city had under its home rule charter fairly extensive powers to regulate public utilities. It was not so in Minneapolis, however, for there the franchise was to expire in 1923 and even the home rule charter adopted in November, 1920, contained no important sections on street railways other than those embodied in the state law of 1915 authorizing cities to grant street railway franchises.

To protect its interests the company needed early action. At its instance there was introduced into the legislature a bill to transfer to the state railroad and warehouse commission the power to regulate street railways. It is unnecessary to give here the details of the struggle over this measure, which became noted in local politics as the "Brooks-Coleman law." The bill originally introduced was considerably modified in passage. It emerged as an act which conferred upon the railroad and warehouse commission the power to regulate fares in the first instance, guaranteed to both company and city a right of appeal from such fare order to the courts, secured to the city the power to regulate service and extensions, and expressly conferred upon cities the power to acquire and to operate street railway systems. Any company which consented to the terms of the act was permitted to surrender its franchise and to receive in place thereof an indeterminate permit. It was not long before every important street railway system in the state had taken advantage of this provision.

The Brooks-Coleman law falls, in fact, into that group of laws which divides the powers of regulation between a state commission and the city concerned. Cities lose under it the important powers to grant franchises, and to fix rates and valuations, but Minneapolis, at least, has more power to control service and extensions under this act than it had under the 1873–1923 franchise.

No sooner was the act in effect than the companies began to prepare petitions for increased fares. When filed, these petitions were found to call for an emergency fare of seven cents cash, with four tokens for twenty-five cents, said rates of fare to remain in effect until the commission should have fixed the valuation of the properties and determined the permanent rates. At the end of August, 1921, the commission ordered these rates into effect in both cities, but they were held up by injunction proceedings in the state courts and never went into effect.

THE STREET RAILWAY VALUATIONS

The next step was to find the valuation of the several properties and to prepare the cases for the settlement of the fare question on a more permanent basis. The Minneapolis city council employed Dr. Delos F. Wilcox for its valuation work, and St. Paul engaged Dr. E. W. Bemis. In the latter city the valuation proceedings were fairly peaceful, but in Minneapolis they were more exciting and involved several appeals to the courts in an attempt to open certain books of the Twin City Rapid Transit Company to Dr. Wilcox. The Minneapolis Street Railway Company urged that the Twin City Company was in no way involved in the litigation, since it was merely a holding company, but the city convinced the court that the connections between parent and child were so close as to make necessary the examination of the books of both companies to understand the affairs of either. In his examination of these books Dr. Wilcox made various interesting disclosures concerning the financial history and the political connections of the company, but this information did not have much bearing on the valuation.

After long delays the cases from both cities finally went before the railroad and warehouse commission in December, 1924. As usual the valuation figures showed almost unbelievable variations. For Minneapolis the figures varied from the company's $54,690,704, as the undepreciated value on the basis of July, 1921, prices, to the city's figure of $15,921,324 on the basis of original cost undepreciated. For the St. Paul system the variations were from $34,911,529 to $10,654,013. In each case the highest figure was nearly three and a half times the lowest.

The commission had its own valuation experts, and in the case of Minneapolis it had also the benefit of the Cappelen valuation of 1916 and the Pillsbury revision of the same, which had been used as the basis of the proposed franchise in 1919. At the conclusion of its deliberations in 1925 the commission found the fair value of the two systems to be as follows:

Minneapolis system, as of January 1, 1922	$25,346,080
St. Paul system, as of January 1, 1924	15,998,849

NEW RATES OF FARE

The next question for the commission to settle was that of the rate of fare. To do this it was, of course, compelled to give close consideration to the rate of return, the revenues and expenditures of the company, the probable effect upon traffic of an increase in fares, and numerous other interdependent factors. While the experts for the cities argued for a 6½ or 7 per cent rate of return, and the company's witnesses urged an 8 or 9 per cent rate, the commission found recent authority to justify a rate of 7½ per cent,—a compromise between the cities' highest and the companies' lowest figure. The rate of earnings on the Minneapolis system in 1924 was found to be 6.71 per cent, a rate which was held to be too low. In St. Paul the corresponding rate was 3.84 per cent, the figures in both cases being based upon the commission's valuations.

Upon looking into the figures for passengers carried the commission found a depressing tendency downward. In Minneapolis the revenue passengers had diminished in number from 138,632,824 in 1920 to 126,492,460 in 1924; in St. Paul the decline was from 89,020,735 to 75,627,955 in the same period. Since an increase in fares was almost imperative according to the commission's own findings, but would almost certainly reduce the number of pay-riders, the outlook was anything but encouraging. The commission finally concluded, however, that even with the number of pay passengers in Minneapolis reduced to 118,233,300 for the next year, an average fare of 6.43 cents would yield the required 7½ per cent. This average fare, it believed, would result from charging 8 cents cash and selling ten tokens for 60 cents.

The St. Paul situation was more difficult. Because of the great amount of interurban traffic the companies and also a great many citizens desired to keep the fares the same in both cities, but it was obvious that a rate which might yield a good return upon the heavily travelled Minneapolis lines would be far less remunerative in St. Paul. The commission decided, nevertheless, to establish the same rates of fare in both cities, but in so doing it warned the city of St. Paul that this parity of rates could not be continued unless that city reduced very materially its service standards, its taxes upon the company, and its requirement as to paving between and beyond the tracks. Until St. Paul made these adjustments, the commission admitted, the rates of fare established would "not earn the return that the company is entitled to under the law or under its constitutional rights."

COURT APPEALS AND FINAL COMPROMISE

It is perhaps unnecessary to relate that neither the cities nor the companies were satisfied with these decisions. The former promptly appealed under the law to the state district courts, whereas the companies applied to the federal courts for restraining orders. Neither side was satisfied with the valuations, or with the rates of fare,—but all parties were weary of constant strife. Further litigation promised only added expense and disappointment. A spirit of compromise began to manifest itself, and it was not long before each of the twin companies had agreed with its particular twin city to settle all disputes by accepting the commission's valuation and asking the commission on the basis of 1925 experience to redetermine the proper rates of fare. The upshot was the presentation to the commission of a friendly joint petition from each city, but in this case, although the commission had the same valuations and the same rate of return to work upon, it found that in fact the rate of fare would have to be 8 cents cash or six tokens for 40 cents (fifteen tokens for one dollar). Again the St. Paul rate was made the same as that for Minneapolis, and again St. Paul was warned to reduce some of the burdens on the company.[1] And thus it came about that, from a five-cent fare in 1920, the rate rose in both cities by January 1, 1926, to 8 cents cash, or 6⅔ cents when paid in tokens.

One interesting by-product of the 1921 legislation and subsequent litigation was the abolition of the "midway" or "neutral" zone in St. Paul into which persons could come from Minneapolis for one fare, and out of which one could travel for one fare to any part of Minneapolis. The commission had no wish to disturb this neutral zone, but the law gave it power to fix rates only for each city separately and not to fix rates for two cities without regard to city boundaries. A St. Paul district judge, deciding a case involving this point, averred that the St. Paul City Railway

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[1] A charter amendment has been proposed, to be voted upon in November, to permit the city to assume part of the burden of paving between the tracks and of maintaining streets which are used by the street car lines.

Company was losing from $250,000 to $300,000 annually because of this neutral zone. Thereupon the companies, on January 7, 1922, abolished this zone's one-fare privilege. The result was most astounding, for the Minneapolis company promptly began to earn over $200,000 net additional each year, whereas the St. Paul system began to lose nearly $100,000 net annually. The explanation lies in the fact that, whereas the revenue from interurban business had previously been divided equally between the two companies, the bulk of this business had originated in Minneapolis.

A RÉSUMÉ OF DISAPPOINTMENTS

In the typical novel of Thomas Hardy, life is likely to be pictured as one disappointment after another. No one is truly happy, and no one character seems to get what he really wants or deserves. It is much the same with our Twin City street railway struggles.

The trainmen who gave the necessary stimulus toward the first increase of fares in 1920 had asked an increase from fifty to seventy cents per hour and an eight-hour day. They obtained sixty cents and a nine-hour day with a few other minor concessions. This rate did not last very long, for in 1922, when the company was unable to get an additional increase of fares, the trainmen's wages were cut from a sixty-cent maximum to fifty-three cents. This was again increased in November, 1925, to a fifty-five-cent per hour maximum, with a nine-hour day and a guarantee of $3.50 per day, but this is still very far from what was demanded when the men threatened to strike against the city in 1920.

The company is doing somewhat better than it did a few years ago, but is not making phenomenal profits. An estimate made in July of this year put the probable earnings on the common stock at 5 per cent or less, with 7 per cent on preferred.

And as to the public, it is now getting used to the higher fare, but it is riding more and more in automobiles. The street cars are still indispensable, but they no longer enjoy a monopoly in local transportation. Some extensions have been made, involving longer hauls; a few bus lines have been established by the company as feeders and as cross town lines; the company has taken over the higher-fare interurban bus lines; and there has been considerable improvement of the service since 1920. The 1917 ratio of 6.5 passengers per car mile has not been reached in Minneapolis, however, although the 1926 average may be near 6.8. In St. Paul the prospect is either poorer service, or higher taxes (when and if the city assumes the paving and maintenance of streets bearing the car tracks), or still higher fares.

And in conclusion let us hark back to the position of those who opposed the 1919 cost-of-service franchise for Minneapolis. They argued for and obtained a defeat of the proposal on the ground that the valuation, $24,000,000, and the rate of return, 7 per cent cumulative, were too high. Today, in spite of their activities, Minneapolis is paying at a rate of 7½ per cent on a valuation of $26,787,228 as of January, 1925, and to cap it all, the city has lost control over street railway rates for probably many years to come.

ASHTABULA'S TEN YEARS' TRIAL OF P. R.

BY RAYMOND MOLEY AND CHARLES A. BLOOMFIELD

The verdict of one decade's experience upon the claims of proportional representationists and the alarms of P. R.'s enemies :: ::

Ashtabula, Ohio, was the first city in the United States to adopt the Hare system of proportional representation for the election of councilmen. In fact, its adoption in that city in 1915 represented the first trial of the Hare system in this country. Fortunately for those who are interested in seeing it thoroughly tried the voters of Ashtabula have retained it during the eleven years since its adoption. Six elections provide a body of data sufficiently comprehensive to warrant a few tentative conclusions as to what may be expected of this widely discussed and debated method of representation. This paper embodies the results of an investigation made by the authors during the past year. We took note not only of the elections of councilmen under the Hare system but of five elections before it was adopted and thus sought certain comparisons between the new system and the one which preceded it.

In 1914 the city adopted a new charter under the home rule provisions of the Ohio constitution and in the following year amended the charter to permit the election of the council by the Hare system. The charter provides a council of seven members elected for two years and the council selects the manager. In 1920 an attempt was made to amend the charter by elimination of proportional representation, but the voters rejected the proposal.[1]

The city of Ashtabula is located on Lake Erie, about fifty miles east of Cleveland. Its population in 1920 was 22,082. It enjoys the advantage of a harbor which is used by ships transporting iron ore from Michigan and Minnesota for use in the Pittsburgh district. The presence of the harbor gives the city a decidedly industrial character as many men are employed in the transferring of ore from ships to railroads. In addition to this source of employment there are a number of small industries.

The operation of any voting system in this city must reckon with certain rather peculiar geographical divisions. Near the lake are two rather distinct communities separated by the harbor. One is a community largely inhabited by Italian immigrants, and the other is in the main composed of Finns and Swedes. One ward is practically identical in area with the Italian settlement. Another ward includes a part of the harbor district and an area about two miles long extending south from the harbor district to the center of the city. The city proper and the older residence area compose two other wards. The city's four wards thus comprise rather distinct areas which under the old election-by-ward system elected rather distinctly differentiated representatives. The wards, of course, since the adoption of the Hare system have significance only as voting districts.

In this paper it is taken for granted that the operation of the Hare system is understood by the reader. The system used in Ashtabula is the so-called "single transferable vote" system. The voting is done in election precincts in four wards.

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[1] A similar amendment is again proposed this fall and will be voted upon in November.

In the discussion which follows we have attempted to test certain repeated claims which have been made for proportional representation in terms of the experience of Ashtabula. We are attempting neither to support nor to oppose the system. We are convinced that it has certain unquestioned advantages and that its opponents have too often placed an undue emphasis upon irrelevant features of the system. On the other hand, it has in the main been presented to this country by its avowed exponents. There has evolved a series of claims for it, largely drawn from the imagination of its propagandists which should be tested in the light of actual experience and perhaps corrected in accordance with such facts as are available. The Hare system, it seems, has suffered more from its too enthusiastic exponents than from its enemies.

The experience of Ashtabula throws interesting light upon the following pertinent questions concerning the operation of this system:

1. Does public interest in elections increase when the Hare system supplants the election-by-ward system?
2. Are better qualified persons elected to the council?
3. Does it keep men in office for more terms?
4. Does it provide a more effective method of registering the choice of voters?
5. Does it destroy local (geographical) representation?
6. What groups seek or secure representation?
7. Does the use of the Hare system intensify religious prejudices in elections?

PUBLIC INTEREST IN ELECTIONS

Interest in an election is usually reflected in the proportion of those entitled to vote who actually exercise the right. In measuring this proportion in Ashtabula we secured the votes for president, for governor, for mayor prior to 1915 and for councilmen over a period beginning in 1905 and including 1925. The number entitled to vote was taken from the census figures in the three decades involved with an increase allowed for each year equal to one tenth of the gain for the decade.[1] The percentage of voters who voted at the elections from 1905 to 1925 inclusive is indicated in the following table:

The Period Preceding Proportional Representation

Year	Percentage vote for governor	Percentage vote for mayor	Percentage vote for ward councilmen
1905	81.39	78.61	.....
1906	.....	.....	.....
1907	.....	78.93	69.19
1908	77.54	.....	.....
1909	.....	75.01	67.47
1910	51.99	.....	.....
1911	.....	75.71	64.99
1912	71.18	.....	.....
1913	.....	59.95	50.26
1914	72.20	.....	.....

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[1] Since 1920, of course, women were included and the percentage of increase allowed each year was based upon the census estimate for 1925 of increase in total population.

THE PERIOD UNDER PROPORTIONAL REPRESENTATION

Year	Percentage vote for governor	Percentage vote for mayor	Percentage vote for ward councilmen
1915	.....	.....	67.12
1916	71.05	.....	.....
1917	.....	.....	71.39
1918	58.82	.....	.....
1919	.....	.....	61.02
1920	58.21	.....	.....
1921	.....	.....	46.29
1922	45.40	.....	.....
1923	.....	.....	44.94
1924	62.16	.....	.....
1925	.....	.....	39.87

Averaging these for each decade we have the following result:

Years	Average percentage vote for		
	Governor	Mayor	Council
1905–1914, inclusive	70.51	73.21	62.59
1915–1925, inclusive	57.52	.....	50.68

It is of course true that the pronounced falling off in the vote in the past ten years is largely due to the failure of women to exercise their suffrage, in Ashtabula as elsewhere. In considering the drop from 62.59 per cent to 50.68 per cent in the vote for council this factor must be kept in mind. Eliminating this factor by counting only the first three elections after the adoption of the Hare system and before women voted, we have an average of about 66 per cent. Here we must allow for the fact that one of these was the first election under proportional representation and in 1917 a serious religious conflict was involved. In 1919 the percentage had declined to a point below the ten-year average before proportional representation was adopted.

It should be remembered, moreover, that a mere comparison between the votes for councilmen in the two periods is a bit misleading. The manager plan had eliminated the elective mayor and had concentrated all power in the council. (The size of the council was the same under the old government as the new,—seven.) It is apparent from the table shown above that the election of the mayor aroused a considerable degree of interest, more in fact than that of the governor. It would not be reasonable to expect that the election of any legislative group, regardless of the system of election used, would create an interest equal to that manifested in the election of a chief executive. But it would be reasonable to expect more interest in the election of a council possessing all power than in that of merely a legislative adjunct to the mayor.

Another interesting development is illustrated by the following table which indicates the striking contrast between the number of candidates for council presenting themselves at each election under the old method and under proportional representation. The number in each case is given below:

Old method		The Hare system	
1905	13*	1915	14
1907	22	1917	16
1909	21	1919	14
1911	21	1921	17
1913	29	1923	13
		1925	12

* Only four places were filled at this election.

In view of the fact that the average population was perhaps one-fourth less during the earlier period, the contrast here is very striking. Those who expect that the ease with which individuals are nominated under the Hare system will result in large numbers of candidates will be surprised at this definite limitation that seems to impose itself upon the number of candidates seeking office. This is a favorable sign but it nevertheless indicates that service in the council under the new system is not exceedingly popular.

THE QUALITY OF THOSE ELECTED

No satisfactory method has yet been devised to measure the ability of those holding public office—especially legislative offices. Exceptional experience or accomplishment in business or in a profession does not necessarily guarantee high ability as a councilman, nor does a keen intellect always make certain devotion to the public interest. The best guide in the exacting job of judging ability in public office is still only the opinions of those who know the character, antecedents, public record and point of view of those who serve. We sought such an estimate from citizens who knew practically all who had held office under both proportional representation and under the system which preceded it. We claim no scientific accuracy for this method; it is merely a composite of widely differentiated and well-informed opinions. But we present it with the feeling that it is the best method which can be used for such a purpose at the present stage in the progress of the social sciences.

Five persons were selected who were reputed to possess fair-mindedness and good judgment and who had a wide acquaintance in the city over a period of many years. These five included representation of both political parties and of independents. One was a Roman Catholic, one was friendly to the Klan, while the others represented other points of view on religion. The names of the forty-three councilmen who have held office since 1905 were written on cards. (Twenty-one held office under proportional representation and twenty-two under the old system. Three held office under both systems and were omitted from the list.) The judges were individually asked to arrange the forty-three names in three groups, "High," "Average," and "Low Ability." "Ability," it was explained, meant "ability in public service."

For obvious reasons we cannot in this article set forth the complete results indicating the ratings given each councilman. The following is a summary of these ratings:

AVERAGES BY PER CENT

	Old method	Hare system
High ability	30.91	36.19
Average ability	37.27	52.38
Low ability	30.00	11.43
Unknown	1.82	....

Per Cent According to Terms Served

	Old method	Hare system
High ability	34.82	43.33
Average ability	34.07	48.00
Low ability	29.63	8.67
Unknown	1.48	.....

If we consider formal education as a test of fitness for a membership on the council the following comparison is possible:

	Old method	Under the Hare system
Less than 8th grade	3	2
Completed 8th grade	12	7
Completed high school	4	7
Completed college	3	5
Total	22	21

Thus, over half of those elected, under proportional representation, possessed a high school education as compared with a third of those elected under the old system. Most of the college graduates were, of course, professional men. Two of the college graduates served under proportional representation for three terms each. Thus it would seem that under proportional representation the amount of formal education possessed by the members of the council was measurably better than under the old system. Without in any way seeking to minimize the importance of this difference between the individuals elected under the two systems it should be said that educational facilities have increased rapidly during the past few years and it is likely that a study of any city council would reveal an improvement.

If political experience is considered as a qualification for the holding of public office, the results under the two systems were not dissimilar. Only about a half-dozen of the forty-three councilmen considered held any political office prior to their election to the council. In these few instances the office was a comparatively insignificant one. Most of those having some political experience were elected under proportional representation.

We must conclude from this study of the comparative ability of the individuals elected to the council under the two systems that the use of proportional representation has hardly justified the optimistic claims sometimes made by its proponents that the system is likely to bring out better candidates for public office and thus improve the tone of public service. According to the test we have used, proportional representation has given Ashtabula a measurably improved council but the margin is slight. This slight margin might have been secured under the city manager plan with any system of election because the position of councilman under the city manager plan is, of course, much more important than under the council-mayor plan. It should be suggested in this connection that an interesting study remains to be made of this particular point in the various cities where the manager plan has been adopted. Before such a study has been made it would be unwise to ascribe to proportional representation the slight improvement of city councils in Ashtabula under the new régime.

TENURE OF OFFICE

Does the Hare system keep councilmen in office for longer periods of time? The answer is in the negative. The average tenure of office of all councilmen serving under the old system was

1.46 terms. The average under proportional representation has been exactly the same.

The tendency to reëlect is shown in the following table:

COUNCILMEN REËLECTED

Old method*		Hare system	
1907	1	1915	3
1909	3	1917	2
1911	2	1919	3
1913	3	1921	3
		1923	3
		1925	3

*The election of 1905 is omitted because only four councilmen were elected in that year.

The average number reëlected is higher under the Hare system than under the old system although the difference is caused by the results of the election of 1907. Since 1909 it will be noted that the number reëlected has remained fairly constant.

THE EFFECTIVENESS OF THE VOTE

If the Hare system is, as some of its opponents claim, too "complicated" to be understood by the average elector we are likely to have not only a decline in interest in elections, but a large number of invalid and ineffective ballots. The extent of the decline in interest we have already indicated. The extent of the latter is indicated in the following table:

Election Year	Total ballots cast	Percentage invalid	Percentage ineffective
1915	3334	10.8	9.6
1917	3700	7.1	6.3
1919	3294	13.5	6.6
1921	5154	3.0	7.8
1923	5096	3.5	7.6
1925	4781	4.9	4.1

In this table "invalid" ballots are those which are thrown out by election officials before the count begins. As might have been expected the proportion was high in the first election. It was also high in 1919 when a large number of immigrants naturalized during the war voted for the first time. Since then, it has been fairly constant and as compared with the percentage of invalid ballots in an average election not unusually high. "Ineffective" ballots are those which in the process of transferring the votes of defeated candidates are found to contain no more "choices" and are therefore discarded as "exhausted." If voters cast many ballots in which only one "choice" is indicated the number is high. The ignorant voter is likely to mark only one name on his ballot. In fact the Italian group in Ashtabula did this rather freely and consequently swelled the total of ineffective ballots in years when a candidate receiving a number of their votes was declared defeated. This was true in 1915, 1921 and 1923. In the other years, the Italian votes were not transferred. This is the only significance which can be attached to the small numbers in 1919, 1921, and 1925.

Another way of measuring "effectiveness" in elections is by the percentage of those who vote whose ballots actually count in the election of representatives. The older system is criticised because it is only about fifty per cent effective. The Hare system it is claimed yields a much higher rate. The justice of this claim is shown by the following figures:

	Total valid ballots	Total ballots cast for elected candidates	Percentage of effective ballots
1915	2972	2388	80.34
1917	3438	2680	77.92
1919	2849	2374	83.32
1921	4998	4128	82.57
1923	5018	4187	83.43
1925	4544	3865	85.06

No comparison is possible in this respect with elections before 1915 because of the absence of such a large proportion of the official records. It may fairly be ventured that the percentage of the votes actually cast at the election which counted in the election of successful candidates was not over forty.

Related to this is the question of election without the quota which of course is common under the Hare system. The fact is that while a quota is determined under the Hare system by the familiar formula many successful candidates never receive this quota. The following indicates the extent of this tendency:

Election without the Quota

Year	Quota	Elected on first choice	Elected without quota
1915	372	1	4
1917	298	1	4
1919	357	1	4
1921	625	1	4
1923	628	2	3
1925	569	1	3

LOCAL REPRESENTATION

The most effective argument for proportional representation is phrased in the slogan that the system permits voters "who think together but live apart" to secure representation to their liking. It is obvious that many factors other than physical propinquity should be involved in representing a voting population, especially in a city council. The advantage of proportional representation is that it permits local representation if it is sufficiently strong, and that it permits similarity of ideas and interests to coöperate regardless of residence. It is possible that local representation may after all in a small city be what people want. A careful study of returns by voting precincts in several Ashtabula elections shows quite conclusively that not interest, but acquaintance, determined the voters' choices for the most part. The habit of voting for one's neighbor was very strong.

The following shows the number of terms served by councilmen classified according to the wards in which the councilmen lived:

	Old system	Hare system
Ward I	10	8
Ward II	5	6
Ward III	9	8
Ward IV	11	13
	35	35

It should be noted that under the old system seven councilmen were elected one from each ward, elected by the ward, and three from the city at large. These figures indicate that there was little of that "frustrated" desire of people living apart to vote together of which we hear so much in proportional representation propaganda. The residence of those elected has been much the same under both systems.

"GROUPS," "INTERESTS" AND P. R.

Political parties under the national party names, according to the advocates of non-partisanship, have no place in municipal affairs. We should encourage the activity of new groups, more vitally concerned in municipal problems. Labor groups and other interests should take the place of the old "empty shells" called Democratic and Republican. Proportional representation, especially the Hare system, will according to its advocates work toward this end. To what extent has this claim been justified in Ashtabula?

The Democratic and Republican parties have ceased to function in municipal elections in Ashtabula. No candidate for the council has ever been formally endorsed by a political party since 1915. This termination of party activity has not been equally true in Cleveland where the parties functioned in the first two elections under the Hare system much the same as before. But in Ashtabula the opposite was true probably because of the fact that parties have never used municipal government so freely for patronage as in the larger cities.

The Socialist Party was once quite active in Ashtabula but there, as elsewhere, it has disintegrated since 1919. There has apparently been no attempt by its remaining adherents to secure even one representative under the Hare system. Those who fear the "socialistic" tendencies of proportional representation may take heart. In Ashtabula, there has been little evidence that it is likely to stay the hastening ruin of Marxism.

Nor has labor been stirred to political activity under the Hare system. There has been no labor candidate, no labor party, apparently no labor endorsements and not the slightest evidence that labor is aware of the existence of a system which is so favorable to new parties and causes.[1]

There remain to be considered those "interests" which are based upon nationality. A common charge urged by the opponents of proportional representation is that it will encourage the alignment of voters in accordance with race or nationality and thus preserve in American surroundings these old world patriotisms so repugnant to the American patriot. It is clear that racial solidity is a common motive in voting, so common that all political parties have long paid it tribute by representing among its candidates every considerable foreign group. Under the Hare system this type of representation is guaranteed for every group which is large enough to attain the quota and self-conscious enough to insure the support of its membership. This support is usually quite apparent, especially among Poles, Italians and others of the more recently arrived immigrant groups.[1]

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[1] In Cleveland the same thing has been true of labor under the Hare system. In 1923 the president of the Cleveland Federation was a candidate for council and received only 284 first choice votes out of a total of 32,872.

The foreign-born groups in Ashtabula while large are few in number and are each concentrated in fairly definite sections. A total of 1679 of the 8491 voters registered in 1925 were of foreign birth. Of these 450 were born in Italy, 417 in Finland, and 282 in Sweden. These were the only nationalities registering one hundred or more. These were fairly well concentrated in three wards with 87 per cent of the Finns in Ward I, 59 per cent of the Italians in Ward II, and 40 per cent of the Swedes in Ward III. The Finns have been represented by one of their nationality in four of the six councils elected under the Hare system. They do not seem to have had specific representation under the old system although it is quite certain that had the election-by-ward system continued they could have controlled elections in Ward I. The Italian group seems to have been represented continuously since 1910 with the exception of one term. In 1919 and 1925 two candidates of Italian birth were elected; in every other council since 1910 one was elected, except in 1917.

It is quite clear that the Italians and the Finns would have elected one each under the old system. Our conclusion is that so far as the representation of foreign-born groups are concerned the adoption of proportional representation has made little difference. Any ward system or even a non-partisan election at large would probably have seen the election of about the same representatives of these groups. The Hare system in Ashtabula has neither intensified nor dissipated national solidarity.

RELIGION IN ELECTIONS

Since the coming of the Hare system religion has played a larger part in municipal campaigns than before. This was especially true in 1917 and in 1923. In 1917 the Guardians of Liberty, an anti-Catholic organization, endorsed, actively supported and elected four candidates. In 1923 the Ku Klux Klan endorsed and actively and publicly supported six candidates one of whom received the largest first choice vote ever given to a candidate for the council. The transfer of votes from this popular candidate elected at least another of those endorsed.

It is clear that proportional representation is at least a mild invitation to the activity of religious groups in councilmanic campaigns. It provides a reason for cohesion when as we have seen no other kinds of groupings seem to appear. Moreover, this has been about the only clear issue that has marked any election since 1915. It must be confessed that in both of the bitter religious campaigns the Catholic candidate was elected in spite of the larger triumph of the opposition. It may be that such a result proves the value of the Hare system in that even when the tide of religious feeling is at its height the minority has not been denied representation. However, this is small compensation if the system is responsible for inviting the issue in the first place.

CONCLUSIONS

1. Interest in elections as it is reflected in the participation of the electorate in elections has not been materially affected by the use of the Hare system. There has been a decline during the past ten years which has

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[1] For an account of the working of this factor in an election under the Hare system see an article by Raymond Moley on *Proportional Representation in Cleveland,* Political Science Quarterly, vol. 38, p. 652.

been due to causes other than the system used.

2. There has been a measurable improvement in the quality of councilmen elected, but hardly sufficient to justify the claim that the use of the new system has been responsible. It is more probable that the increased power of the council under the manager plan of government has attracted better candidates.

3. Tenure of office has been practically the same under both systems.

4. The proportion of "invalid" and of "ineffective" ballots has shown an appreciable decline indicating probably that the electorate has been learning to vote more intelligently from election to election. The proportion of votes which actually count toward the election of a successful candidate is much larger than in the average election-by-ward system.

5. There is every evidence that the most important motive in the selection of a choice by the average voter is personal acquaintance. There is under the Hare system nearly as much local representation as under the enforced localism of the system which it supplanted.

6. Political parties are less active in municipal elections. New "interest" groups have not appeared. Representation of foreign-born groups is about what would exist under an election-by-ward system.

7. With lessened activity of parties and no new groups to seek representation the electorate has concerned itself to a slightly greater degree with religious differences in campaigns.

GOVERNMENTAL RESEARCH CONFERENCE NOTES

EDITED BY ARCH MANDEL

Toledo Commission of Publicity and Efficiency.—Two surveys are now being completed by the Toledo Commission of Publicity and Efficiency. One relates to the Toledo welfare farm or workhouse. An investigation is being made of the paroling of prisoners from this institution and of the dormitory facilities. The second survey, being made at the request of the city council, relates to the building inspection department. This will be a general study of the personnel, methods and results obtained by the department.

✣

Philadelphia Bureau of Municipal Research.—In view of the difficult financial situation in which the city government of Philadelphia finds itself at present, the Chamber of Commerce appointed a committee on taxation and public expenditures with Franklin Spencer Edmonds, Esq., as chairman. This committee of twenty-four members has assigned to a sub-committee of six the task of outlining the scope of the work to be undertaken and of conferring with city officials. Mr. Beyer, director of the Philadelphia Bureau, is a member of the main committee and also of the sub-committee. At the request of the chairman of the committee, the Bureau is bringing together information on a number of topics to which the committee may give consideration.

The Thomas Skelton Harrison Foundation has undertaken to finance a study of municipal contracts in Philadelphia, the work to be done by the Philadelphia Bureau. Contracts involving competitive bidding on construction work of various kinds are the only ones at present included in the scope of the study.

The Philadelphia Bureau announces the addition to its professional staff of Philip A. Beatty of Baltimore. Mr. Beatty has had extensive engineering experience in construction work. He was engineer in charge of construction of the Gunpowder Supply Improvement of the Baltimore city water department.

The Philadelphia Bureau has made a study of the number of different forms of instruments left for record in the Philadelphia office for recording deeds and the number of instruments of each form. The purpose was to ascertain what forms are used so often that it might be practicable to record them by printing in the record books the words printed on the forms and typing the parts filled in on the forms. The present method is to transcribe every word by typewriter. Altogether, 5,652 deeds, 6,050 mortgages, and 1,640 assignments of mortgages were examined. This was the intake of the office for these three kinds of instruments for four weeks in 1926. A classification of the forms used enabled the Bureau to suggest to the recorder of deeds that according to indications, "seven different kinds of printed form books would provide for the recording of about 72 per cent of the deeds recorded in Philadelphia county; 15 kinds of form books would provide for 59 per cent of the mortgages; and three kinds of form books would provide for about 61 per cent of the assignments of mortgages." A count of the printed words on each of these kinds of forms indicated that the use of such form books would probably save the transcribing and comparing of about 100,000,000 words a year. The Bureau is also studying the possibilities of using the photostatic process for recording deeds and other instruments.

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Pittsburgh Bureau of Governmental Research.—Major Philip Mathews, chief executive officer of the New York City Transit Commission, was selected as the director of the Pittsburgh Bureau of Governmental Research. He is on the job now. Major Mathews is a graduate of West Point, was an aid to General Foch in France, and was second man on American Relief in Russia for two years.

Frank Olson, director of the Minneapolis Bureau, has resigned his position there to become the executive director of the Pittsburgh Bureau.

Detroit Bureau of Governmental Research.—Glendon J. Mowitt has resigned from the training staff of the Detroit Bureau of Governmental Research to accept the position of assistant city manager at Manistique, Michigan.

Solon E. Rose resigned from the staff of the Detroit Bureau of Governmental Research to accept the position of engineering investigator attached to the office of the mayor of Detroit. Mr. Rose's new duties are really those of a professional administrator assisting the mayor in the detailed operation of departments.

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New Bedford Taxpayers' Association.—The Taxpayers' Association of New Bedford recently issued a bulletin describing the method of calculation used in establishing the tax rate in New Bedford. This bulletin compares the 1925 with the 1926 figures and shows all the items which go to make up the tax rate. This is the first comprehensive statement that has ever been made available to the taxpayer covering this complicated subject. The bulletin shows that certain receipts from the state can be used to decrease the tax rate, something that has never been done before. Since the publication of this report, the city council has voted to use this money and in consequence, the tax rate this year in New Bedford, although $1.80 more than last year, is fifty cents less than it would have been if the Taxpayers' Association had not made the study.

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The Ohio Institute.—The Ohio Joint Legislative Committee on Prisons and Reformatories has published a report of 62 pages. Among the recommendations are a system of classification of prisoners, reorganization of parole and numerous improvements in the prison industries. Copies of the report may be obtained from J. E. Cross, clerk of the senate, Columbus, Ohio. The Ohio Institute coöperated with the committee in its study.

Duluth Taxpayers' League.—The Taxpayers' League of Duluth published its first report in preparing a ten-year permanent improvement program. This report was transmitted to an organization composed of representatives from each organized civic or community body in the city having a membership of more than twenty-five. From this central group, the report will be submitted to the various member organizations for study and comment. By such a process it is hoped that a large group of citizens will become interested in the improvement program and will become so familiar with its content that they will be anxious to see the program adopted by the city authorities. The entire work is being carried out in coöperation with the city officials and the city planning commission. The report submitted concerns past financial history of the city; future debt charges; probable growth in population, assessed valuations, and expenditures for general municipal purposes. A study is now being made of the various improvements that are desired in the city, and as each project is decided upon, a special study will be made to determine how best it can be financed. It is anticipated that a large portion of the program will be financed by special assessments.

The city of Duluth has decided to blast away a large projection of rock that extends into the central section of the city, dividing the business district and the population into two practically equal divisions. The plan contemplates the opening of one major street through this rock projection and two connecting streets that will make accessible a large area adjacent to the business district which is now largely inaccessible. The rock is to be used for the creation of a large breakwater, which will add several acres of park property on the lake shore. In its essential features, the plan to be pursued follows suggestions made by the Taxpayers' League in a report submitted to the city council in October, 1925.

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Public Utility Consultant, New York City

Buses Rushing Forward.—Motor bus developments are moving so rapidly that it is impossible to keep up. We shall attempt merely to point out a few high spots. The Interstate Commerce Commission has conducted a country-wide investigation, with hearings in a number of cities, inquiring into the practices of motor transportation, the form of its organization, the extent of its competition with railroads and street railways, the character of local and state supervision and regulation. The data collected will be analyzed and studied with the object of making a comprehensive report on the present situation and recommending federal legislation where interstate action is needed.

STREET RAILWAY CONTROL OF BUSES

The greatest problem in the cities is how motor-bus transportation shall be organized in relation to present street railways and as to public control. Now that the permanence of the bus has been established,—at least for an indefinite future,—existing street railway interests are struggling to gain control of the otherwise competing agency. In New Jersey, for example, the Public Service Corporation of New Jersey has acquired during the past year, the so-called Arrow-Bus line, which is operating an interurban system in the northern part of the state. This line had become a real competitive factor and had acquired considerable good-will among its patrons, because of the excellence of its service and because of the obvious desire of the management to treat the public with courtesy. The change in control has already aroused widespread criticism. Whether this is based upon actual deterioration of service, or only upon fear of a let-down with the restoration of monopoly, is as yet impossible to determine. But, as far as the public is concerned, here at least is a danger if the control of buses is lodged with existing street railway interests.

FINANCIAL ENTANGLEMENTS

Another serious public problem may be illustrated by the New Jersey street railway control of buses. The Public Service Railway Company has a large capitalization, aggregating according to Poor's 1926 Manuel, $43,000,000 bonds and $48,000,000 capital stock. Its total fixed charges for 1925 were $5,192,000. Now, assuming that the superiority of buses will be generally established and that the street railway lines will be gradually abolished, what will happen to the bonds and fixed charges? The danger is, unless strictest care be exercised, that the entire burden will be rolled upon the new bus operation, which would be required to bear not only interest upon its own investment, but also the fixed charges of the dead street railways. This situation should be faced intelligently wherever "coördination" of the two modes of transportation is considered.

NEW YORK BUS FRANCHISES

The two dangers (a) of smothering competition at the sacrifice of service and efficiency, and (b) perpetuating the fixed charges of superseded properties, apparently were the controlling factors in the recent Bus Report of the board of transportation of the city of New York. The board rather unceremoniously brushed aside the applications for bus franchises made by street railway companies.

Among the numerous applications, the board

NOTE.—*The Challenge of Valuation.* The editor of this department has discussed in three papers, which are in the course of publication, some of the economic fundamentals involved in the far-flung controversy over the "Reproduction Cost" *versus* "Actual Cost" basis of valuation for rate-making. Copies will be sent free of charge to anyone interested in this basic problem if a request is sent to the American Public Utilities Bureau, 50 Madison Avenue, New York City. The following paper is now available and the others will be announced later: "Rate Base for Effective and Non-Speculative Railroad and Utility Regulation," by John Bauer; reprinted from the *Journal of Political Economy*, August 1926.

favored that of the Equitable Coach Company, whose plans contemplate a city-wide system, operated at a five-cent fare, with routes as approved by the board, and with adequate financial support. The board favored city-wide operation, as against independent borough systems, because of the greater flexibility of service and operating efficiency, lower required investment, and the more effective control by the city over one company than over several. It particularly favored, as already indicated, a system independent of present street railway companies, and emphasized the importance of adequate financial strength to supply all necessary plant and equipment, as well as working capital.

The report is now before the board of estimate and apportionment, which is the final franchise granting body. There appears to be sharp differences of opinion among members of the board as to the fundamentals of a sound bus policy. This applies especially to the question of city-wide *versus* borough systems, and the coördination of bus with street railway operation.

BUFFALO BUS PROPOSALS

Buffalo is another city which has been struggling with the bus problem. Mayor Schwab has stood out for a municipal system, but has met the usual financial and political complications. A new plan has been worked out, which would begin with private ownership and operation, but would provide automatically for ultimate municipal ownership and operation. Private companies will be invited to operate buses under contract at 20 cents per bus mile operated, which would be applied to the purchase of the buses. The details of the proposed contracts have not been made public.

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Higher Street Railway Fares.—While the buses are rolling on, the street railways in many instances are rolling up deficits. Against the automobile and bus competition, the street railways have lost traffic, or have failed to develop business sufficiently to make operation profitable at any practicable rate of fare. The prevailing rate is now seven or eight cents per passenger, in some cities ten cents. The latter is probably more than the traffic will bear, resulting in further diminution of traffic and leaving the company poorer than at a lower rate. But if the lower does not bring a fair return, what is to be done?

The easiest way is to attempt the higher fare, notwithstanding the dictates of common sense and the experience that seven or eight cents is the highest practicable fare for ordinary distances. For long distance traffic, with an average ride of several miles, a ten-cent fare may be feasible. But for the shorter distances it is prohibitive. It instantly cuts off all short distance traffic, greatly reduces the moderate distance rides and leaves only the long distance business intact; consequently there is loss or little increase in gross revenues notwithstanding the higher fare. Financial salvation must be sought through other means than the ordinary increase in fares.

Yet commissions all over the country are now conducting hearings on proposed ten-cent fares. The argument, based on assumed elementary economies, has been regularly advanced that the higher fare would only make up for the lowered purchasing power of money and the higher monetary cost of service. But the doctrine of compensated purchasing power will not suffice as a single remedy for all economic ills. The disease affecting the street railways is a complicated one and will require a combination of medicines, including vigorous osteopathic treatment and major operations.

HOW TO GET MORE TRAFFIC

Above everything else what is needed in most instances is an earnest and intelligent study of traffic possibilities; how, with improved service, special inducements, or particular efforts, greater volume of traffic may be developed. An important fact in street railway finance is that a large proportion of the costs are *fixed* in character, not changing with the amount of business. Hence additional revenues, obtained through growth in number of passengers, add proportionately much more to net income than the greater percentage of gross. Conversely a loss in traffic cuts proportionately more into the net returns of the company. Here is the basic condition which shows that the only permanent remedy is the development of traffic. If the business decreases, a company gets nowhere, whatever rate of fare may be charged. The problem is how to get more traffic. The chief concern should be whether possibilities of more business have not been neglected.

Non-Flexible Fares in New York.—It seems that one lesson was emphatically taught by the experience of the past fifteen years, that a non-flexible fare, unless coupled with other financial provisions to pay for the cost of service, is likely to be suicidal over a long period both to the public and the companies. Nevertheless, in New York City, where the chaos produced by a non-flexible fare still waits to be cleared up, there is a new proposal which, if favorably voted upon at the November election, will fix permanently the five-cent fare on the subways unless an increase be subsequently approved by a majority of qualified voters.

This proposal was enacted by the municipal assembly under the new home rule constitutional amendment and the home rule act. It is based upon the fear that improper increases in fare may sometime be granted by an administration which may be influenced by the companies operating the properties. Hence it seeks to keep control of fares in the hands of the people, who alone by affirmative vote could authorize a higher fare than five cents.

The five-cent fare in New York City has numerous angles of a financial and municipal character, besides pure politics. It does seem dubious, however, to tie the hands of all future city governments in dealing with the situation as circumstances warrant. Any such fare restriction should at least make adequate provisions for future necessary service and the payment of cost.

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Transportation Planning.—Adequate transportation is easily the most absorbing problem before the larger American cities. This is especially true of those cities which have multiplied in population beyond reasonable expectation. They have grown far beyond the capacity of the transportation provided or contemplated, and they are now struggling with the pains of breaking their own limiting structures. They are like lobsters forced to break their shells for further growth, — which is not an easy and comfortable process.

Thus practically all the leading cities are making transportation studies of what to do and how — from New York City downward. Chicago, Philadelphia, Detroit and Cleveland are among those particularly inquiring into subways, — to what extent subways should be built, how financed, how to be operated. It is our purpose during the next six months to present a survey of all such transportation planning, including especially the problems of control, finance and fares.

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Differentials in Utility Rates.—Users of electricity are accustomed to different rates charged for current for different quantities and purposes and under different conditions of time, especially as to so-called "load-factor." We believe that such differential rates are soundly conceived and that a single flat rate for all users would be a grave economic mistake. But we believe, also, that the range in the differential is far too great in many instances; sometimes, perhaps, not great enough. A ratio of 4:1 for small lighting consumers compared with the lowest commercial rates is common. We have raised the question whether this ratio is not excessive. We expect during the next few months, to inquire more extensively into the facts as to the extent of the differentials and to present cost analyses as to their justification.

In the case of gas, the single flat rate for all consumers, except usually municipalities, has been the rule. Whether this is justified perhaps cannot be definitely stated. Certainly the conditions of production and distribution are so different than in electric current, that like rate policies cannot be supported on grounds of like treatment. The burden of justifying differential gas rates should definitely rest upon those supporting them. There has been a marked movement in recent years for such differential rates, and we are, therefore, glad to print the following letter on this matter from Dr. Edward W. Bemis, who probably has had more experience in the study of gas rates from the public standpoint than any other student and consulting expert in the country:

DR. BEMIS ON GAS RATES

"In the New York *Times* of September 26, 1926, appears the statement that President George B. Cortelyou of the New York Consolidated Gas Company and other public utility officials are now moving in favor of the abolition of the old 'flat' rate for gas. It is urged that our laws should be changed so that our gas companies under the supervision of our public service commissions should be permitted to adopt rate schedules that are sufficiently flexible to allow an equitable allocation of charges among the several classes of customers.

"I have never seen any objection to a company making a lower rate for house heating and for general industrial uses than for ordinary domestic lighting, cooking, use in grates, hot water heating, etc., but these latter domestic uses should certainly remain under the 'flat' rate. Otherwise two results are sure to occur.

"First, difficulty in making any comparison of rates by different companies or in different cities which at present have some value in stimulating the all too lethargic public to demanding reductions in price where conditions will warrant.

"The second consequence would be the tendency to make too wide a difference between the charges for different kinds of domestic use.

"This difficulty now appears in the schedules for electric light and power. Private companies often charge the small user four or five times as much per unit as the large user while big public plants in Canada and this country do not find such wide margins necessary.

"It is a well-known fact among the managers of electric power plants that the domestic user, especially if he be a small one, does not secure the benefits of reduction in the cost of manufacture and distribution as quickly as does the large user and commissions and city administrators are led to submit to this because of the veneer of scientific accuracy which is thrown around these charges by experts for the companies. It will be a sad day for the domestic gas user when similar methods are allowed in the gas business."

Franchise Litigation.—The cities of Omaha and Denver are engaged in important franchise litigation, and both cases will doubtless go to the supreme court of the United States. The Denver case is already before this court. The question is whether the local street railway company has a perpetual franchise, notwithstanding the fact that no such grant was ever made by the municipality and could not be made under the constitution of the state, which prohibits the granting of any permanent franchise by the legislature of any local body.

In the Omaha case also the company claims a perpetual franchise. But here the legal situation is altogether different from the Denver case. The present company is a consolidation of several prior companies, which had received limited term franchises to occupy the streets, and some of these franchises expire next year. But, upon consolidation, which was effected by a special act of the legislature, the new company, without being given any new local rights by the city of Omaha, was given the right of perpetual use of the assets, rights, etc., of the properties. Among other claims, the company has seized upon the term "perpetual" in the charter granted by the legislature and urges that this applied to the local franchises and converted them from limited to perpetual duration. The city attorney, Mr. Van Duzen, does not believe that such significance was given to the term "perpetual" in the chapter as to change the entire term of the local franchises. The issue doubtless will go to the supreme court for final decision.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE

Professor of Law, Georgetown University

Liability of Cities, Counties and Towns for the Care of Streets and Highways.—In the October issue we called attention to four recent cases involving the liability of counties for damages resulting to an individual through defects in highways under their control.[1] In the Kansas case, it was held that action could be maintained only against the county in which the accident occurred, although the highway was a joint enterprise built by two counties. In the Washington case, a joint action was allowed against a county and a town which together had built a defective bridge. In the Texas case, the general statutory liability of counties for negligence in the case of highways was held to be inapplicable where the damages resulted to an abutting owner's land due to defective construction, his right being limited by a statutory remedy for compensation; while in Maryland the county in the absence of any statutory provision was held liable for leaving a highway which it was its duty to repair to remain in a dangerous condition, causing damage to the plaintiff.

These cases, with the exception of the last, are illustrations of the rule generally prevailing in this country that counties and towns, in executing their duties to construct and care for highways, are acting as governmental agencies of the state and in the absence of a statute imposing liability are not subject to an action by a private individual for damages due to defects resulting from a failure to discharge their duties. In any given state where this rule prevails, if a statute imposing liability upon towns and counties exists, the legislative act determines in what instances private persons may maintain their actions and defines the extent of their remedy.

This same rule we find applied to cities, boroughs and villages in New England, New Jersey, Michigan and California,[2] but in the great majority of the states the true municipal corporation, as distinguished from the quasi-municipal corporations such as counties and towns which have not had delegated to them any of the police power of the state, is held to the highest degree of responsibility for the care of its streets and bound to respond in damages to any person who suffers injury because of their defective condition. Generally speaking, municipal corporations in this country are held to be immune from liability to private individuals for damages resulting from mis-feasance as well as non-feasance in the discharge of their public or governmental as distinguished from their private or proprietary functions under circumstances which would render a private corporation liable in an action of tort, but peculiarly in the discharge of their duty to care for their streets, which is governmental in character and for the benefit of the public at large, the great weight of authority in this country imposes upon them the strictest common-law liability.

RUSSELL V. MEN OF DEVON WAS MISLEADING

The explanation of this anomaly is to be found in an examination of the early cases and may be traced to the famous English case of Russell v. The Men of Devon,[3] decided in 1788, in which the plaintiff sought to recover damages for an injury due to the non-repair of a bridge, which the county was under statutory obligation to keep up; in which it was held that there was no precedent for the action, that the county was only *quasi* a corporation and had no fund or means of answering in damages and therefore was immune to such an action and only subject to indictment for failure to perform its statutory duty. A reference to a case in the Year Books

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[1] Cunningham v. Commissioners of Rice County (Kan.), 246 Pac. 526.

Potter v. Whatcomb County (Wash.), 245 Pac. 11.

Harris County v. Gerhart (Tex.), 283 S. W. 139.

Commissioners of Kent County v. Pardee (Md.), 134 Atl. 33.

[2] Hill v. Boston, 122 Mass. 344.

Pray v. Jersey City, 3 Vroom 394.

Detroit v. Blackeby, 21 Mich. 84.

Winbigler v. Los Angeles, 45 Cal. 36.

[3] 2 Term Reports 667, 16 East 305, Willes 74.

(5 Ed. IV) was cited from Brooke's Abridgement, in which the statement was so abbreviated that Lords Kenyon and Ashhurst both fell into the error of giving as one reason of their decision that the action did not lie because the public was the responsible party;[1] in other words, that those upon whom was cast the performance of a public duty were to enjoy in its discharge the immunity of the Crown from actions by private individuals.

In 1812, one Ephraim Mower brought an action for damages due to a defective bridge against the inhabitants of the town of Leicester in Massachusetts.[2] A verdict being given for the plaintiff, upon motion in arrest of judgment, the court held, citing Russell v. Men of Devon, that the town was to be considered as a quasi-corporation created by the legislature for purposes of public policy and that no such action lay at common law. Blake and Lincoln argued ably for the plaintiff that in this case the town was a corporation created by statute, capable of suing and being sued, and having a corporate fund to satisfy judgments, that the objection pertinent in Russell v. Men of Devon, that an execution must necessarily be against the property of an inhabitant and result in a multiplicity of actions, was not applicable to the case. Towns in New England at this time, differing from the towns in the Middle States, were municipal corporations and from early colonial days were subject to a statutory action for double damages for injury resulting from defective highways, subject to written notice of the defect having been given the selectmen.[3] The real basis for the decision, therefore, lay in the failure of the plaintiff to make out a case under the statute, which by implication might well have been held to exclude any question of common law liability.[4] This Massachusetts decision has been the precedent upon which the non-liability of towns and counties to actions for damages resulting from defects in highways has been based. Although turning upon an elementary principle of statutory construction, the case has been generally cited to sustain the doctrine of absolute immunity of towns and counties from such actions at common law. In Massachusetts the doctrine has been consistently applied to cities, which are accorded like immunity except so far as a right to maintain such an action has been clearly given by statute.

PENNSYLVANIA AND MARYLAND DECLINE TO FOLLOW MASSACHUSETTS

In Pennsylvania and in Maryland the authority of Russell v. Men of Devon was limited to the facts of that case, and towns in the one state and counties in the other were early held to a common law liability for negligence in the care of their roads[5] on the ground that they were bodies corporate, which could sue and be sued, with the power to raise funds out of which to satisfy judgments; and therefore liable for injuries to an individual resulting from a neglect of the duty imposed on them by statute to care for the public roads within their boundaries. No force was given to the dictum of Russell v. Men of Devon that the reason of the defendant's immunity was that the duty imposed was a public one and that they acted merely as agents for the state.[6]

In New York, the authority of Russell v. The Men of Devon was applied to exempt towns and counties from any liability to private individuals for negligence in the care of highways, unless imposed by statute, but in 1856 in the leading case of Hickok v. Plattsburg it was held to be inapplicable to cities and villages. The court adopted the opinion of Selden, J., in Weet v. Village of Brockport,[7] asserting liability of municipal corporations to an action on the ground that the franchises granted them are in law a consideration for an implied promise to perform with fidelity all the duties imposed by their charters, that they secure their charters by request, express or implied, and voluntarily assume the duties imposed, whereas towns and counties are created by the state without the consent of their inhabitants and function solely as agencies of the state. While the basis of this decision as expressed in this opinion was perhaps not theoretically sound, the conclusion was readily seen to embody a very useful doctrine, and this authority was followed by the courts of practically all the states outside of New England and was the foundation of the rule that municipal corporations, as cities and villages, are subject in the highest degree to liability to actions by a private person for injuries resulting from their negligence in discharging the governmental duty imposed upon them to construct and care for the highways within their limits.

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[1] Rundle v. Hearle (1898), 2 Q. B. 83.

Robinson-Public Authorities & Legal Liability (1925), p. 84.

[2] Ephraim Mower v. The Inhabitants of Leicester, 9 Mass. 247.

[3] Colonial Laws of Massachusetts, Reprint 1889, p. 126.

[4] See comment of Gray, J., in Hill v. Boston, 122 Mass. 344.

[5] Dean v. New Milford Township (1843), 5 W. & S. (Pa.) 545.

Commissioners of Anne Arundel County v. Duckett (1864), 20 Md. 468.

[6] This dictum is largely responsible for the generally accepted test applied by our courts, that municipal corporations are to be held liable only when the act complained of is committed in the discharge of a private or proprietary, as distinguished from a public or governmental duty—a test which is not applied in England, although the authority of Russell v. Men of Devon that counties are not liable to actions of negligence in the care of highways still persists and forms an exception to the application of the general principles of liability laid down in the Mersey Docks Cases.

[7] See 15 N. Y. 161. For a review and discussion of the earlier New York cases, see Detroit v. Blackeby, 21 Mich. 84.

CORPORATIONS AND QUASI-CORPORATIONS COMPARED

The real basis for the distinction between the liability in tort of true municipal corporations on the one hand, and quasi-municipal corporations, as counties, on the other hand, is that a part of the police power of the state is delegated to the former as well as a full control over their officers and agents, with the consequent ability better to carry out the duties imposed and to guard against acts that may impose liability. The same argument may be used as to many other public or governmental duties assumed by or imposed upon them, but peculiarly the application of the doctrine of Weet v. Brockport was generally limited to the duty of cities and villages to care for streets and highways, while the test of municipal liability in tort earlier laid down by Justice Nelson[1] — based upon the distinction of the public and governmental or private and proprietary nature of the powers exercised by the corporation—has become one of almost universal application.

If the principles involved in these precedents are to be logically followed, a so-called county or town, which becomes a true municipal corporation, as by the grant of a portion of the police power to it by the state, should be held to the same standards of liability as a city or village. An analogous question recently came before the supreme court of Idaho in the case of Strickfadden v. Green Creek Highway District, decided July 10.[2] Highway districts in Idaho are comparatively new organizations, incorporated under general act upon petition of the people residing therein, and are given exclusive jurisdiction and supervision over the construction and repair of highways, with the power to raise necessary funds by taxation. The plaintiff and members of his family were severely injured by their car striking an unguarded obstruction left in the road by the agents and employees of the district commissioners.

In an exhaustive opinion, the court, speaking through Justice Givens, reviews the authorities bearing upon the question of liability of cities towns and counties for care of streets and highways, and concludes that the district in question must be held to the same degree of responsibility as a city or a village. The practical reasonableness of this decision may be better appreciated, when we take into consideration the fact that the highway district in Idaho may include within its limits cities and villages, as well as towns and counties, and succeeds to the duties in the construction and maintenance of the roads and streets. This decision is indicative of the tendency of the courts in considering these questions to look beyond the outward form and, disregarding some of the outworn tests of municipal liability, to base their conclusions rather upon the nature and extent of the powers conferred by the state upon these subordinate agencies.

BRIEF NOTES ON RECENT DECISIONS

Home Rule—Construction of the Baltimore Charter.—In the recent case of Graham v. Joyce, 134 Atl. 332, the Maryland court of appeals was called upon to construe one section of the charter of Baltimore adopted under the Home Rule Amendment to the state constitution. The charter gives to the board of school commissioners the power to determine the salaries of school teachers, but the board of estimates, which has control of the city budget, relying upon earlier statutes, undertook to revise the schedule of salaries to conform with the appropriation approved by it. The court held that the express provisions of the charter prevail over all previous laws on the same subject, that such a result was the obvious legislative purpose in enacting the charter. "Whatever is contained in the charter," says the court, "is binding on the concerned and on all other agencies of the city government until amended, and the process of amendment is not by ordinance, but only by initiation as outlined in Section 5 of the Home Rule Amendment, followed by popular vote."

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[1] Bailey v. Mayor of New York, 3 Hill 531.

[2] 248 Pac. 456.

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Zoning—Control of Federal Courts.—The original jurisdiction of the federal courts arising from diversity of citizenship was recently exercised by the district court of the southern district of Ohio, which enjoined the village of Terrace Park from enforcing that part of the zoning ordinance which included part of his farm, on which he operated a gravel pit, in a residential district. The circuit court of appeals, sixth circuit, in affirming the decree of the lower court[1] pointed out that the block upon which Errett's plant is located had never been laid out in lots, nor were there more than two residences on the adjoining seventy-five acres. The value of the gravel on the plaintiff's eight acres was above one hundred thousand dollars, while adjoining land for residence or farm purposes was worth only about five hundred dollars an acre. The operation of the plant is held not to be a nuisance in fact and the great disparity between the values for the different purposes renders the application of the zoning ordinance to the tract unreasonable and results in depriving the owner of his property rights without due process. The court found it unnecessary, therefore, to pass upon the constitutionality of the Ohio zoning statute or of the ordinance of the village. The case on its facts clearly is distinguished from Hadacheck v. Los Angeles, 239 U. S. 394, and Reiman v. Little Rock, 237 U. S. 171, and applies the principle of limitation upon the police power enunciated in Pennsylvania Coal Co. v. Mahon, 260 U. S. 393, and recently applied by the courts of California to the attempt to prevent the operation of oil wells in residence districts.

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Zoning—Board of Adjustment Exercises Judicial Powers.—The most important recent decision of the many relating to zoning in New Jersey is the recognition by the supreme court of the judicial nature of the board of adjustment, the tribunal of review created by a statute passed the present year. In Chancellor Development Co. v. Senior, 134 Atl. 337, Gummere, C. J., in refusing the complainant's application for an alternative writ of mandamus to compel the inspector of buildings to grant a permit, holds that the board of adjustment has power to pass upon the question of fact as to whether the building to be erected will be a nuisance, and that the only method of review is by a writ of certiorari. If the boards of adjustment thus established prove competent to exercise judicially the important powers conferred upon them, this decision may prove to be a milestone in the progress of the cause of zoning in that state.

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[1] Terrace Park v. Errett, 12 Fed. (2nd) 240.

MUNICIPAL ACTIVITIES ABROAD

EDITED BY W. E. MOSHER

Municipal Statistics.—The Statistical Year Book of German cities, which ceased publication on account of the depression following inflation in Germany, has been resumed. It covers the same materials for German cities as in previous editions. The data included are for the year 1925 with one or two exceptions, when they cover 1924 or 1924–25. The principal headings under which the information is brought together are as follows: Budget estimates for 1925; water supply; libraries, public welfare, sewerage, street cleaning and sprinkling, and the like. For those interested in the statistical approach to municipal government, constructive comparisons may be derived from this work. It is published by the Deutscher Städtetag.—*Mitteilungen des Deutschen Städtetages* (September 1, 1926).

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Gas Supply.—The British Board of Trade is accustomed to supply data for all companies producing gas and electricity. The report for 1924, summarized in the July number of the *Local Government News*, shows that in England and Wales there are 245 municipalities manufacturing gas as compared with 466 private companies. In Scotland there are 69 of the former and 4 of the latter. The number of cubic feet produced by the municipal companies totals 77,000,000 and by the private companies 176,000,000. The average cost per million feet for public companies was 193 pounds, and for private, 219. The financial returns show that the municipal enterprise is increasing somewhat more rapidly than private.—*Local Government News* (July, 1926).

✤

The Third International Congress of Cities.—There has just come from the press a three-volume report concerning the "acts and views" of the Third International Congress of Cities which was held in Paris in 1925. In the introduction it is stated that 500 cities, located in 39 different countries, were represented at the conference.

The first chapter includes a report as to the constitution and purpose of the Congress. The next is devoted to the conduct of municipal government in different countries. This is the first effort to provide a comparative study of various types of cities in the light of conditions found in the different countries of the world.

Another chapter deals with planning and zoning. It brings together in a comprehensive form a large amount of experience that has more recently accumulated in this branch of municipal control.

The last chapter has as its title, "Les Grandes Agglomerations," which corresponds in the main to our terms, metropolitan and regional areas. The final chapter contains the deliberations and views of the members of the Congress.

The three volumes comprise about 750 pages in quarto. The authors of the various special reports are men of international reputation as, for example, Montagu Harris, Emile Finck and Henri Sellier.—*Le Mouvement Communal* (August 15, 1926).

✤

The Place of the Official.—The city manager form of government raises as never before in this country the question of the relation between the expert and the controlling authorities. I. G. Gibbon has prepared a very meaty paper on the subject "Official and Authority" that may be suggestive for those interested in this problem. His introductory thesis is that democratic control is interested in two things: (1) determination of policy and (2) judgment of results. In the opinion of the writer the distinct task of the official or the expert is to play the game and accept the limitations of this policy and its implications.

In the main, there is no technique worth speaking of, as yet developed, to cover the proper relations between the official and his committees, nor the committees among themselves, nor the committees and the council. In Mr. Gibbon's opinion, Topsy might be called the "patron saint" of the present situation. He points out that the committee that acts in the sphere rightly belonging to the official is likely to be inefficient just as is the official who takes over the responsibilities that properly fall to the committee. The latter is likened to a "bull in a china shop." His proper function is not to attempt to stimulate policy, although he should have the opportunity of influencing it within the sphere in which he is at home. This may best be done by preparing reports and forecasts.

Methods of reporting to the council, or official authority, and to the public in general are, in the mind of the writer, far from satisfactory at present. Greater insistence should be placed upon instructiveness, lucidity and simplicity. Mr. Gibbon believes that the electorate is entitled to a simple but telling statement of public activities and achievements.

It is the duty of the official, says Mr. Gibbon, to forecast the probable effects of proposed policies. In doing this he should take into account the whole pool of experiences that other authorities have had. Such prophesies ought, of course, to be impartial and objective.

Finally, the author urges that democratic administration calls for a clear statement of results, presented in such a way that costs of the various branches of administration may be readily ascertained and indicating whether the performance for which the executive has been responsible measures up to his promise. The technique required for the statement and ascertainment of results is still in its infancy. The emphasis is placed here upon the need of unit costs readily understandable by the ordinary councilman.

Proper reporting of costs is closely related to the reporting of efficiency as measured in statistical terms. In looking at the possibility of realizing this, Mr. Gibbon finds encouragement in the progress being made by the natural sciences in the measurement of the minutest portions of matter. He insists that, "The gospel of measurement applies to administration as well as to sciences."

The paper concludes with an appeal to administrators with something of the zeal of discovery in their blood to go out and chart this new territory.—*Journal of Public Administration* (April, 1926).

⁂

Russian Municipal Finance.—The East European Institute in Breslau devotes an entire issue of its "Quellen und Studien" to the consideration of the financial problems of local government in Soviet Russia. It is a painstaking and comprehensive statement, describing the relations of local government to higher authorities, local disbursements, and revenues and, finally, budgetary procedure.

The introductory section shows in what way authority filters down from the central committee and its chairman into the local organs of the government. There seems to be such a high degree of centralization that in the lowest area, the communal government, there is hardly a trace of home rule. It possesses neither a legislative organ of its own nor independence in its financial operations.

The final section deals with the local budget law as well as with the budget itself. The central government reserves to itself the right to control and change the budget items. This is so far-reaching that the chief characteristic of budget administration seems to be instability. Such a condition results from the fact that the central organs may arbitrarily cut the cloth to suit their needs, even after the beginning of the year when the budget has gone into effect. Orderly planning and procedure are thus out of the question.

A comparison is made between the amounts expended for local government purposes before and after the Revolution. According to the figures brought together here all of the cities have suffered except Moscow. As a matter of fact, particularly if one takes into account the reduced purchasing power of money, a comparison of the total expenditures of 1912 and 1924 shows that there has been a marked diminution and this, in spite of the fact that the burdens of the localities have been increased since the war in so many directions. Figures are given for ten cities for the purpose of showing how considerable this diminution has been. Although Moscow is receiving within eight million rubles of the revenue received in 1912, the other cities listed are getting much less than during pre-war times.

This study has been prepared on the basis of Soviet materials exclusively and it has all the earmarks of being an authoritative piece of work. The author, Mr. Markoff, is an instructor in the Russian Scientific Institute of Berlin. *Quellen und Studien*, 1926 (pub. by Hermann Sack, Berlin).

⁂

American Administration in German Garb.—The two issues of the *Zeitschrift für Kommunalwirtschaft* under the dates of July 25 and August

25, 1926, were devoted almost exclusively to the publication of fourteen articles on local administration in the United States. These articles were prepared for the magazine through the coöperation of the National Municipal League. Among the authors are to be found many names well known to students of administration in the United States. One might cite those of Messrs. L. D. Upson, E. A. Cottrell, Lawrence Veiller and W. F. Deffenbaugh. The topics covered range from research, municipal finance and housing to sports and rural culture. In some cases two articles are devoted to the same general topic, as in the case with schools, housing and governmental research.

Some of the articles bring together in a comprehensive form a summary of the matters considered, such as is not available in American publications. It would seem desirable to have the originals produced in the NATIONAL MUNICIPAL REVIEW. Both Dr. Morris Lambie and Professor Edwin Cottrell, for instance, have given a bird's-eye view of governmental research and civic organizations with reference to their influence upon local administration. Each approach is, however, from different points of view. So far as the writer knows there is no such summary to be found in English.

Mr. W. C. Beyer of the Philadelphia Bureau of Municipal Research has also made an original contribution in his study of salary trends for public employes during the period of price fluctuations, that is, from 1915 to 1925. He has gathered material from a dozen of the larger and more representative cities ranging from Minneapolis to New York City. The data consist of averages for all positions. Other tables cover selected but typical positions such as firemen, police, engineers, mechanics, stenographers, chemists, bacteriologists, etc. These tables include the total number in the class and the average salary for the two years, 1915 and 1925.

Familiar terms and titles appear rather incongruous when translated into the German, as, for example, the various renditions of the term. Bureau of Municipal Research. This assumes three different forms, all of which are, to say the least, "mouth filling" (Büro für Stadtverbesseringen; Stadtbürosfuer munizipale Forschung; Büro für Verwaltungsangelegenheiten). On the whole, however, the task of translating this rather technical material has been done with a real German flavor.

The editor of the magazine, Dr. Erwin Stein, indicates in an introductory note that sooner or later this series of articles will be rounded out and possibly a more comprehensive work concerning local government administration and activities will be published in German. This will give the editor opportunity to fill up a number of obvious gaps in the present series. For instance, articles dealing with such matters as the following would be of great interest to the German administrator: Municipal enterprises of which the gas industry is hardly representative, budgetary procedure, rights and conditions of the civil servant and perhaps above all else, the administration of metropolitan areas.

Finally, attention might be called to the fact that a series of similar articles dealing with local administration in Germany is announced. These are to be published in one of our American magazines, presumably the NATIONAL MUNICIPAL REVIEW. Such an interchange of information is bound to be fruitful; it will aid materially in the development of a science of administration.

NOTES AND EVENTS

Charges of Lawlessness and Bribery Bring Municipal Turmoil in Kansas City, Kansas.—For some months, trouble has been brewing in the municipal affairs of Kansas City, Kansas. C. B. Griffith, attorney-general of Kansas, accused Mayor W. W. Gordon of failure to enforce the laws, particularly the laws against the illegal sale of liquor and against gambling.

The attorney-general appointed L. S. Harvey as special agent to make a thorough investigation. Upon the publication of Mr. Harvey's report on the failure to enforce the laws, and pending an investigation of the mayor's administration, the supreme court suspended Mayor Gordon. Whereupon the deposed mayor offered his resignation to the commissioners and it was promptly accepted. Mr. J. O. Emerson has been chosen to fill out the unexpired portion of Mayor Gordon's term.

In his letter of resignation, Mayor Gordon stated:

> Being a man of extremely moderate means, I am unable to spend the amount of money that would be necessary to prosecute this case in the supreme court.
>
> It would mean that my wife and I virtually would be bankrupt and I feel it would be unjust and unfair to my family to spend almost all of my financial resources in such litigation.

Mayor Gordon complained of an inadequate police force, an extensive area to be patrolled and lack of coöperation of the attorney-general. He states that he repeatedly called on the state legal department for injunctions and padlocks, but that the attorney-general had told him that he did not want to stir up anything till after the election. After the reëlection of the attorney-general in 1924, according to the mayor's statement, he again wrote for aid, but received no reply.

The mayor avers that Attorney-General Griffith "never made any complaints against conditions in this city to me since F. M. Wisdom has been chief of police, until we filed a suit for $276,000 against his personal and political friend, W. D. Pratt, for the faulty construction of the settling basin at our Quindaro (water) plant, which was reported by the commissioner of water and light department to have fifty leaks in it when it was less than two years old."

Frank M. Wisdom, chief of police, Harry S. Roberts, police judge, and two of the commissioners have since resigned. The Wyandotte county grand jury is said to be investigating another of the commissioners.

Closely connected with this political upheaval, is the career of Alexander Apple, a professional bondsman and reputed briber. It is intimated that the investigators have found a man of mystery whose testimony regarding the police department will astound the already amazed citizens. A maze of bribery and crookedness is in the process, it is said, of being brought to light.

Kansas City, Kansas, has the commission form of government, but at this moment many citizens believe that the manager form should be adopted. Dr. George M. Gray, a former mayor of Kansas City, Kansas, favors the manager plan, but thinks that an election should not be held until the present grand jury investigation has probed the situation to the bottom.

Mrs. E. A. Enright, whose husband was formerly county attorney, has been endorsed by the Kansas City, Kansas, chapter of the League of Women Voters, for the office of mayor at the April city election.

Nat Spencer.

⁂

How Great a Tax Can a Man Pay?—The methods of ascertaining tax capacity followed in the report of the New York Joint Legislative Committee were the object of some criticism by Professor Walradt, who reviewed it in our September number. We therefore have pleasure in publishing the following reply.

To the Editor of the National Municipal Review:

There would be no occasion for commenting on Professor Henry F. Walradt's review of "State Expenditures, Tax Burden and Wealth," in the September Review, except to thank him for his keen criticisms and generous appreciation of the report as a whole, were it not for the fact that so important a review is destined to be used widely in connection with the report itself and that silence on our part might be considered as an acceptance of interpretations placed on certain passages of the report.

Mr. Walradt's real criticism deals entirely with the first eight pages of Chapter V. These pages and the last three paragraphs of the chapter may be read easily by anyone interested in this friendly discussion. It will be seen that the reviewer has no quarrel with the conclusions reached. He states this repeatedly. He agrees, for example, that "the ratio of taxes to income *by itself* has slight significance in comparing relative tax burdens at different periods of time." His objections deal with "the arguments given in support of the contention." It is at this point that I feel that something is to be said for the report. We made no effort to substantiate the contention with "arguments." The whole matter is disposed of in less than six hundred words, which is perhaps half of the space devoted to *this part* of the reviewer's comments. We endeavored merely to indicate that "other factors must be taken into consideration" (p. 115). We wished to give a partial enumeration of various obvious circumstances and conditions for which allowance must be made in appraising the significance of the tax-income ratio. We therefore referred to the generally accepted notion of progressive taxation, the effect of the kind of expenditure on the burdensomeness of the taxes and the rapid development of debts as factors in point. And even in these very brief and undeveloped paragraphs we endeavored to couch our thoughts in the most tentative and restrained manner. We observed that with "an enormous improvement in economic status, taxes might well absorb a larger portion of the taxpayer's income without entailing additional hardship." We said also that "taxes which are spent in supplying services and utilities which the individual would otherwise have to provide for himself, do not constitute an additional burden." And we suggested that "the economic effect of those taxes (levied for debt service) is . . . not the same as the effect exerted by taxes expended for other purposes" (p. 116).

In indicating the improvement in economic status, we should have used the 1913 dollar basis as Mr. Walradt has suggested. As a matter of fact, the computations were made (see page 113). But they do not alter the final conclusion however; the tremendous advance is still there, from an average family income that was certainly below a "decent family budget" level to one that is substantially above this mythical standard. And in dealing with the redistribution of wealth through public debts, perhaps we should have differentiated between the interest and the principal, though I am inclined to think that this would have carried us rather far afield. There are too many "probably's" and "it is likely that's" even in the comments of Mr. Walradt. Our only purpose was to present a few considerations which would make a reader pause before he bowed down to worship the tax-income ratio as the infallible criterion of tax burdens.

And, of course, we do plead guilty to the charge that we have not even attempted to show the exact mathematical degree of progressive taxation which will produce equality. One is tempted to ask the reviewer to state the formula, though that is of course hardly fair, especially as Mr. Walradt apparently believes that the sacrifice involved in proportional taxation is equal, once we pass beyond the income required, "to purchase the necessities of life." Of course, this cannot be demonstrated either.

There is another point at which the review might lead to a misunderstanding of the report. It is stated that "The measure presented (in the report) as being the best guide in making a conclusion as to relative tax burdens at different times is the rate of increase of per capita income." I am sure that Mr. Walradt did not intend to say just that, because it is certainly very far from what we tried to state. We have been confronted in recent years by the hysterical statement that "taxes are wrecking business," and that this condition is aggravated from year to year. In a scant page we pointed out that this could hardly be so, because, as a matter of fact, the average per capita income, measured in terms of the 1913 dollar, has been rising at an accelerating tempo from decade to decade (p. 117).

I cannot close this comment without again expressing our appreciation to Mr. Walradt for his careful and appreciative examination of the report.

LUTHER GULICK.

◆

To Force Economy on Mayor "Jimmy" Walker.—A joint Municipal Economy Committee, composed of representatives of nine organizations of taxpayers, has been organized in

New York City to watch municipal expenditures with a view to reducing the waste and bringing about lower taxes. Herman A. Metz, former city controller, is chairman of the committee and William H. Allen of the Institute for Public Service, secretary. Headquarters are at 53 Chambers Street.

The immediate purposes of the committee, it was declared in a statement by the executive committee, will be:

> To back refusals by the board of estimate to vote unnecessary and extravagant sums for city work in 1927.
>
> To help city officials and the public find ways to improve city service next year without adding $40,000,000 or $50,000,000 to this year's budget.
>
> To help rent payers and wage earners remember that any unbusinesslike municipal spending raises rentals and reduces the purchasing power of wages.

The statement continues:

> The pledges made by the present administration before and after election last spring inspired the business community and the public generally to hope that prompt attention would be given to reducing the cost of city government. Voters were promised that the new administration would begin by sweeping accumulated waste and inefficiency from under the municipal sofa.
>
> The promised economies have not started yet. The promised search for needless expenditure has not started yet. Instead of economy taking the place of extravagance, the scale of lavish unstudied expenditure which has prevailed in our city for many years has continued and now threatens, unless checked when this next budget is voted October 31, to carry next year's expenses above a half billion dollars, not counting new improvements.

⁂

Birmingham Earns a Thrill!—Birmingham, Alabama, is congratulating herself on the possession of a businesslike government in that the city commission has for the past twelve months kept expenses well within income. With one exception, deficits have been the invariable rule in recent years. This favorable result was attained in spite of extraordinary capital and operating expenditures amounting to almost $300,000. Probably Birmingham has some sort of budget system, but possession of a budget system is only a beginning and amounts to nothing without the self-control and energy to operate it. A big argument against commission government is found in the handicap which this form places upon the responsible preparation of a budget and the absence of effective control to assure that it is carried out.

⁂

A Correction.—In the article on "Tendencies in Public Recreation" in the September REVIEW, it was stated that in Massachusetts every new high school was required to have at least twenty acres of land. This statement implies that there is some legal requirement to this effect. The writer, Weaver Pangburn, wishes to correct this impression, as there is no such legal requirement. Instead, the state education authorities in Massachusetts have set up a standard of at least twenty acres for each new high school.

⁂

General Unrest regarding the direct primary has led to an effort in Ohio to amend the constitution to make it possible for the legislature to restore the convention system. The proposal has, however, met with considerable disfavor, and the prospects at this moment are that it will be voted down at the November election.

⁂

Less Noise from Motorists.—The police departments of the two largest cities of the country, New York and Chicago, have started campaigns against the noisy motorist. The police in both cities have been instructed to serve summons on impatient drivers who vent their resentment by needlessly honking their horns when temporarily delayed in a traffic line. And hereafter truck drivers who make use of shrill whistles, operated by the exhaust from their engines, will also feel the heavy hand of the law.

⁂

Too Many Taxis in New York.—New York City is at present considering the granting of franchises for a city-wide, unified bus service. The Citizens Union is urging that the number of licenses issued to taxicabs be curtailed when the proposed bus plan goes into effect. The large number of taxis in New York has become a serious traffic problem and it is the Citizens Union's belief that, inasmuch as a double deck bus has a theoretical capacity equal to at least ten taxicabs and in practice serves a still greater number of passengers, the former has a better claim to the use of the streets.

GERMAN CITIES SINCE THE REVOLUTION OF 1918

By
Dr. MITZLAFF
Formerly Chief Burgomaster of Berlin

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GERMAN CITIES SINCE THE REVOLUTION OF 1918

BY DR. MITZLAFF

Formerly Chief Burgomaster of Berlin; Vice-president of the Reichswirtschaftsrat (National Economic Council); Secretary of the Deutscher Städtetag (German Municipal Association), 1919–1926.

This article has been translated into English by Mr. John B. Mason of Indianapolis, with some revision by Professor William B. Munro of Harvard University. :: :: :: :: :: :: ::

Summary. The traditional home-rule powers of German cities were little affected by the Revolution. The democratic surge did, however, introduce proportional representation and universal suffrage to the destruction of the old three-class system of voting.

The present drift is towards the single chamber council and away from the "Magistrat" as an executive board enjoying the prerogative of a second chamber. Although extreme democrats have advocated that administrative officials be directly elected and have insisted that the referendum on the acts of the municipal council be introduced, but little headway has been made in this direction.

Thanks to severe economy and hard work city budgets are now in order, although the evils wrought by inflation were catastrophic. Some fiscal difficulties remain, however, centering around the proper utilization of the income tax as a source of local revenue.

Having served its purpose, war-time socialism has virtually disappeared. Public regulation of housing remains and will be necessary until rents are adjusted to costs. Germany has always been committed to municipal socialism to a much greater extent than the United States but the period of inflation revealed certain dangers and limitations and a counter movement of de-municipalization has arisen. While the prime necessities of water, gas and electricity are still provided by the municipalities, a number of individual plants have been given a corporate organization, enabling them to function in the manner of privately owned companies.

The end of the war found the municipal public works badly run down and loans for replacements and betterments presented a serious problem due to the condition of the currency and difficulties of foreign loans.

German municipal administration is more conscious than ever of its place in the life of the nation and is facing the future with courage. —[Ed.]

Eight years have passed since the close of the World War. The Treaty of Versailles and the Dawes Plan, the German Revolution and the subsequent inflation of the currency were big factors in determining Germany's course during this period. They shook the foundations of our political and economic life. A seemingly unebbing tidal wave of most difficult problems flooded the country.

For the German cities these years were years of great distress and anxiety. Looking back on this interval, however, it may be said that the cities stood the strain wonderfully—thanks to the firm foundations of municipal self-government which they had built up during a period of a thousand years. With renewed faith in their stability, they can now look toward the future.

An exhaustive description of German municipal development during the period since 1918 would carry us far beyond the compass of the present article. It is only possible to sketch the main features of this development.

I

First of all let us consider the constitutional status of the German cities.

The German Reich, like the United States, has a system of federal government. The individual states (called *Länder*) such as Prussia, Bavaria, Saxony, etc., including the three Hanseatic cities, Hamburg, Lübeck, and Bremen, are autonomous.[1] They have their own fields of legislative and administrative jurisdiction, although it is provided in the federal constitution that the government of the Reich shall have exclusive legislative jurisdiction over some subjects, and concurrent jurisdiction over others.

At any rate the individual states and not the federal authorities have jurisdiction over the government of the German cities. During the last few years there has been some agitation for a federal municipal code, and the Deutscher Städtetag (an association of all the larger German cities) has taken a favorable attitude toward this idea. It has been promoting a complete draft of such a code. But the plan for a federal code seems to savor overstrongly of centralization and the time is not yet ripe for its realization. Hence we still retain our Prussian, Bavarian, Saxon, etc., municipal codes. Nevertheless, in any general political discussion it is quite correct to use the term *German municipal self-government*, inasmuch as the municipal codes of all the German states rest on uniform conceptions, although differing in details. Their common ancestor is the Prussian municipal code of 1808, which was the work of Freiherr von Stein, and proved to be one of the most important agencies of Prussia's regeneration after her crushing defeat by Napoleon. Stein's ideas gave to German local self-government certain distinctive features which differentiate it from local self-government in other countries, such as the United States, England, France and Italy.

The most important of these distinctive features may be explained as follows:

In Germany, as in the other European countries, with the exception of Great Britain, it is regarded as a fundamental principle that laws regarding the organization and the jurisdiction of the local authorities must be applied universally. "Local acts" applying to individual cities, as in England, are not enacted in Germany except in certain cases when the boundaries of a municipality are changed; neither are there any special legal privileges granted to individual cities.

Furthermore, all the German municipal codes recognize as a basic principle the right of every city, without any special authorization, to engage in any local activity whatsoever. To be sure, certain definite obligations have been imposed upon the cities; for example, the relief of the poor, the building and upkeep of streets and roads, and the provision of at least a system of elementary education; but in addition to all this and contrary to English practice, the German cities may, by virtue of their autonomous position, voluntarily engage in any other local activity, even though it involve entering into competition with any private enterprise in the same field.

Finally, the relation of the German city to the state is distinctive. Since the days of Freiherr von Stein the German laws have gone on the principle that municipal home rule is synonymous with municipal *autonomy;* not, of course, in the sense of medieval urban sovereignty (*Stadthoheit*); but necessarily limited to some extent by the fact that the city is a part of a unified modern state. This principle stands in contrast to the French conception which regards the municipality as an entity *en tutelle*, a ward needing the guardianship and protection of the state. The German point of view agrees, in general, with the English and American one in that it inclines to regard the cities as free corporations, conducting as a matter of course their own affairs according to their own judgment, without the guardianship and tutelage of the state, and choosing their own governmental authorities, including the mayors, without the concurrence of the higher authorities.

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[1] These free cities have the status of *Länder*.

The German Revolution of 1918 did not change these fundamental conceptions which have been peculiar to German administrative law for more than one hundred years. The municipal codes which operated in most states at the time of the Revolution were rather old,—the greater portion of Prussia, for instance, was being administered according to a *Städteordnung* or City Government Act passed in 1853. Naturally, in the general eagerness to infuse all branches of German government with the spirit of the new republican constitution, there was some overhauling of the different municipal codes. In most of the larger states, such as Bavaria, Württemberg, Saxony, and Thuringia, new laws relating to city government were passed. Prussia is still operating under a provisional law, because her Parliament has not yet adopted the new municipal code which was laid before it by the ministry some time ago. During this process of new code-making there has been a danger that state officialdom, to which home-rule has always been a thorn in the flesh, would seize the opportunity to tighten up the reins of state control over the cities. The new parliamentary system involved tendencies in the same direction. Still it can fairly be said that the basic principles of the laws governing the relation of the German city to the state have remained intact.

II

As respects some other phases of local government, however, the German Revolution of 1918 wrought far-reaching changes,—in the municipal suffrage, for example. It was natural and inevitable that the democratic surge which found its expression in the change from monarchy to republic should leave its imprint upon the electoral system of the German cities. So the suffrage rules which govern elections to the Reichstag or national parliament are prescribed by the constitution of the Reich for state and municipal elections as well. These rules give the ballot to all German men and women twenty years of age or over, with the further provision that all elections shall be conducted in accordance with the principles of proportional representation.

This was a very drastic change in several of the states so far as city government was concerned, since it abolished the three-class system of voting which had remained in force in parts of Germany, especially in Prussia. This system had divided the voters in three classes, according to the amount of taxes paid by them, entitling the payers of every third of the entire assessment to one-third of the number of seats in the city council. In Prussia, before the Revolution, it was also required that at least half the members of the city council should be owners of real property within the city limits. But property qualifications, or the annual payment of a certain minimum in taxes, or the payment of fees for the acquisition of citizenship in the municipality,—all these have now been abolished as requirements for the exercise of suffrage in German cities. Every adult citizen has a vote, and an equal vote.

As a result of these new suffrage

regulations the non-propertied citizens are now more strongly represented in the city councils than formerly. The system of proportional representation, which theoretically may be called the fairest of all electoral plans, has elevated groups that formerly were mere factions into regular political parties.

Of course there were difficulties at the start. What at first seemed almost intolerable worked itself out rather well in the course of time. The extreme opponents of our present social system, the communists, have nowhere been able to gain the control which would have made possible their dictatorship, and the new German administration, with its daily necessity of discharging detailed practical duties, has proved to be a school of training in the exercise of reason, tolerance, and compromise. Despite numerous innovations, and notwithstanding the multiplicity of party groups, the municipalities have succeeded in tackling and solving the big problems of the last few years—though sometimes with much friction and with a few exhausting parliamentary struggles.

III

In some of the states there have been lively discussions concerning the respective merits of unicameral and bicameral councils. Should there be, in addition to the elective city council, a "Magistrat" or executive board enjoying the same rights as a second chamber, and should the concurrence of both chambers be made necessary for all important decisions? Both the unicameral and the bicameral systems have long been in existence in different parts of Germany. The discussions showed that both have their ardent friends and their thoroughly-convinced opponents. Under these circumstances it is not surprising that both systems continue to exist. It is becoming evident, however, that the single-chamber system, by reason of its simplicity, promptness in action, and absence of checks, is steadily gaining supporters.

The legal status of the German mayor (*Erster Bürgermeister*, or, in large cities, *Oberbürgermeister*) has also been the theme of much discussion. In connection with a single-chamber council his position is a pivotal point. The problem is closely connected with the status of the bureaucracy in municipal administration,—a matter which has great importance in relation to local self-government. It has always been characteristic of German self-government to set much emphasis on the work of the professional officials. These officials, in large numbers, find their life work in city administration; the higher ones very often hold one or more post-graduate university degrees, as is always true in the case of the mayor. The majority of German mayors are men who have been trained in the law, while the officials in the different administrative departments, such as education, engineering, and health, have had, of course, their particular professional training. The status of these professional officials rests, first of all, on the fact that they are chosen for twelve-year terms and not for the same terms as city councillors, that is, three or four years. This means that they must work with an eye to the future, independent of eventual changes in party control of the council, and experience has taught us that this is a good principle.

Experience has also shown that under normal conditions the prudent administrative expert who looks upon constructive work as more important than the mere fulfilment of party promises will succeed in his position despite changes in the political complexion of the city council. Traditionally, under the single-chamber system, there developed the practice of making the mayor not only the head of the professional officials but the presiding officer of the city council as well. This dual position invested him with a dominating influence upon the course of municipal policy. In the recent municipal reorganization, efforts were made to curb this asserted omnipotence of the mayor. The communists, and some of the socialists, both of whom are strong friends of the single-chamber system, and probably having in mind the English town clerk, were in favor of having all decisions made by the city council, thus letting the mayor become merely the chief employee of the city, whose duty it would be to put the resolutions of the city council into effect. Their efforts, however, succeeded in only one state, namely, in Thuringia, where radical factions were in control at the time. According to the Thuringian municipal code the mayor is not the presiding officer of the city council but only its executive agent, and consequently is chosen for three years; that is for the same term as the councillors. But nowhere except in Thuringia has this plan gained adoption. In other German states which maintain the single-chamber system, namely in Rhenish Prussia, Bavaria, Württemberg, and Baden, the mayor is still chosen for a long term and is the presiding officer of the city council as well as the chief executive of the city. This is the traditional arrangement and links well with the system of professional officials, the bureaucracy as it is called. In Thuringia, by the way, there is a movement afoot to restore this system.

As everybody knows, there is a great diversity of opinion as to what constitutes a genuine municipal democracy. In the new Germany it has been argued that direct legislation is an essential of real democracy and that the representative system must be supplemented by a system of popular referenda. At any rate the referendum and the direct election of administrative officials have been advocated in the cities, but thus far they have gained little headway. In some portions of Germany, however, the mayor is now directly elected by the voters.

IV

The experience of the German cities in the field of financial administration during the past few years has been interesting. Two factors have been influential here: first, the catastrophe of the currency—a temporary upset but of tremendous force in its effect on economic life; and secondly, the administrative reorganization which was rendered necessary by the new financial legislation of the Reich.

A few remarks may be permitted concerning the era from 1920 to 1923, which, thank the Lord, is now a thing of the past! The collapse of the currency, in its later stages, rendered municipal budget-making virtually impossible. When a gold mark (twenty-four cents) was worth one hundred thousand paper marks one day and two hundred thousand the next, and one million the day after—indeed, when the figure climbed with inconceivable rapidity to one billion paper marks, then all planning of income and expenses simply stopped. Tax payments, fixed one day and paid another, were not worth the paper on which the tax bill was written. Only by means of ever-increasing issues of paper money did the various governments succeed in keeping their treasuries from going bare. The Reich set the example by issuing national paper money, and in a round-about way it got funds through the Reichsbank, printing Reichsbank notes. The states followed suit, and so did the cities, being pressed by the necessities of the day. The German cities poured out this emergency money (*Notgeld*) in larger and larger amounts. The government of the Reich sought in vain to stem the precipitate fall of the mark by prohibiting the issue of this currency by the municipalities. It agreed to pay wages and salaries due by the states and 60 per cent of those for which the municipalities were liable; but even this provision, so repugnant to every sound canon of local administration, proved to be of no avail. Only the creation of the *Rentenmark* in November, 1923, put an end to the inflation which had meanwhile destroyed innumerable values and well-established business enterprises, besides having paralyzed the sense of order and business conscience throughout the entire economic and administrative life of the nation.

Now, after the lapse of three years, this interlude seems like a nightmare. The cities, by dint of hard work, have once more put their budgets in order, but they have inherited from the inflation-period the absolute destruction of their capital funds. Numerous endowments, the use of which the cities enjoyed as a result of their growth through centuries, simply melted away. On the other hand, the cities by the same process have freed themselves from their bonded debts, save for the percentage which has been fixed by the Revaluation Laws. The value of their real property remained unchanged, and as most German cities have followed the practice of acquiring land, many of them are left with considerable assets in spite of the inflation.

Secondly, the new financial legislation of the Reich, known as Erzberger's tax reform, had an important effect on the cities. The German Constitution of 1919 indicated a strong general tendency toward centralization, both legislative and administrative, to the disadvantage of the several states. This is especially true in the field of finance. The problem of fairly distributing the sources of revenue among the municipalities, the states, and the nation, is a difficult one in any federalism. All three areas of government are dependent upon taxes for meeting their expenses, and each tries to get the lion's share by emphasizing the great importance of its own particular tasks. In the case of Prussia there are two additional areas of local administration, namely, the Kreise (urban and rural circles) and the provinces, so that there are five participants in the quest for income whose claims have to be adjusted. Before the war the Reich was content with the income from custom duties and the indirect taxes, such as excises on beer, spirits, and sugar, while the direct taxes on income, real property, and the trade licenses (all of which had come to be the principal taxes) were left entirely to the states and municipalities. After the war the Reich changed this system quite radically, and justified this action by pointing to its greatly increased financial burdens. By the Erzberger tax reforms the income tax, which had been the chief financial reliance of the states and local communities, was made a federal tax, though with the provision that a considerable percentage should be handed back to the states and municipalities in order to help balance their budgets.

The uniform income-tax assessment throughout the entire Reich is without question an improvement both politically and economically—at any rate as seen from the broad point of view of the Reich. There is, however, a concensus of opinion that because of the complicated constitutional structure of the Reich and its divisions, the existing method of distributing the returns from the income-tax among the three areas of government cannot be continued, but must be changed. A detailed discussion of this matter would be out of place here, but the main outlines may be indicated. The essential point is that the communities are now allotted fixed amounts out of the income tax collections made by the Reich, without relation to their individual needs. They must again be enabled to decide for themselves, on the basis of the annual city budgets, how much of the income tax revenue shall be used for municipal purposes; or, in other words, how high their surtaxes (*Zsüchläge*) on the federal levy shall be. This is as it used to be, and it is the only arrangement that squares with the principle of municipal home rule. The cities have always been, and still are, autonomous as respects the taxation of real estate and the fixing of fees for trade-licenses. The Reich realizes that these are indispensable sources of revenue for them.

The demand for the restoration of home rule in taxation as respects the income tax is justified as a matter of principle. Genuine self-government implies the right to decide how to meet expenditures by taxation. The allocation of sums out of the national treasury, fixed by the state on the basis of the number of inhabitants, or some other mechanical device, is in contradiction to the principle of self-determination. This repugnance is not merely theoretical, but an obviously practical one, for it means that the first axiom of sound financial administration is disregarded, namely, the adjustment of the tax income to the needs of the individual city. As a result of denying a city this right the municipal administration will eventually lose its sense of responsibility and the moral justification of self-government will be destroyed. The individual city administrations may find it agreeable to receive without effort the large amounts allotted by the national government instead of wresting tax appropriations in parliamentary struggles from the city council; nevertheless every true friend of municipal self-government must insist upon the restoration of home rule in taxation, even though there are abuses and inconveniences connected with it. Fortunately, the conviction has spread more and more among all those concerned that the present system cannot be permanently continued, and the government of the Reich has announced its intention to bring in a bill which will restore to the cities, from April 1, 1927, the right of adding their own *Züschälge* to the federal income tax levy.

V

A word as to the material achievements of the German cities during the era since the Revolution of 1918. The work of these years has been dominated by the task of liquidating the enormous burdens and losses, affecting the whole public and economic life, which resulted from the war and its aftermath, the inflation.

First of all it was necessary for the municipal administrations to catch up on work which of necessity had to be neglected during the war. Public buildings, for the maintenance of which funds had been lacking, had to be put in repair. Furnishings, and other equipment of public buildings, hospitals, and such community institutions had to be repaired or replaced, and the entirely neglected pavements had to be put into good condition. They had become worn out through lack of maintenance and by the wear and tear of the constantly increasing motor traffic. All this constituted a long and expensive task.

In addition the cities had to assume various other burdens as a result of the war and the post-war demoralization. The returning soldiers had to be reestablished in their professions and vocations; care had to be provided for the wounded and crippled, and support given to the war orphans and widows. The economic disorganization meant increasing masses of unemployed, while many, mostly old men and women who had lived on the income of their small fortunes, often saved during a lifetime, became paupers because of the inflation. This class of former small capitalists, ashamed to beg, became unexpectedly dependent on municipal welfare work. Families pouring in from the German territories which had been ceded to the victorious powers also had to be housed at a time when the cities were already struggling with a general housing shortage owing to the cessation of all building operations.

In all these matters the main burden, both of work and expenditure, fell upon the cities. The whole situation may be epitomized by saying that there was a great increase in expenses and a corresponding decrease in revenues. Conditions were analogous in the Reich and in the states. In the federal budget the reparations payments (in money and kind), though small for the first years in accordance with the Dawes Plan, soon began to make themselves strongly felt by their hampering effects. As a counterpart there was a decreasing capacity of industry and commerce to pay taxes, due to a slackening in sales and to the increasing unemployment of large numbers of people. All this was partly the natural consequence of a lost war, and partly the result of the world-wide economic crisis. Only the most strenuous efforts could lead Germany out of this distress, and consequently the immediate goal became strict economy in all branches of administration, with a decrease of the tax burdens, especially on the productive enterprises. Thrift became the dominating note in the public program; "thrift commissioners" and "thrift commissions" worked energetically in nation, states, and municipalities. They struck out of the budgets all avoidable items of expenditure and improved the methods of public business in order to decrease the cost of administration in the greatest possible degree. More particularly the dismissal of officials who had a right to their position as civil servants, but who after the war had become superfluous, was carried through successfully in all branches of administration, as soon as it became legally possible.

The inflation being over now for nearly three years, it can now be said that the cities have succeeded, thanks to the compulsion of necessity but with great travail, in restoring again in their budgets the balance between expenditure and income. To be sure, the expenses had to be cut mercilessly at times, sacrificing necessary educational and welfare expenditures. But it was absolutely necessary, under all circumstances, *coûte qu'il coûte*, to carry into effect the principle, "No expenditure without the necessary funds."

A word should be added about the abatement in war time socialism and about municipal activities in the economic field. It will be remembered that German cities have always made liberal use of their legal authority to take over public utilities, and that Germany has had for a long time the municipalization of numerous enterprises which in other countries are being run as strictly commercial ventures. Water and gas works, slaughter houses and markets are nearly everywhere municipally owned and operated, as are also the street railways and electric plants in the larger cities. Harbors are always municipally owned and operated, except where they are the property of the state. Nearly all savings banks are organized on a municipal basis, and there are many municipal cemeteries, museums, theaters, and so forth.

The war period brought many additional and complicated activities. The blockade had created a lack of everything needed, both for war purposes and for the daily life of the people. This made it necessary to establish official control and distribution of nearly all supplies, from metals needed by the war industries, to grain, household fuel (both coal and wood), dresses, shoes, milk and eggs,—all as in a besieged fortress. Taken as a whole it was an extraordinary administrative achievement and most of it was accomplished by the municipalities. After the war, consideration had to be given to the fact that the officials and employees who had been engaged in this work would have hardly any prospects of getting other employment; nevertheless the municipal payroll was successfully deflated within a few years and the whole fabric of "war socialism" has virtually disappeared. Only a remnant remains, namely, the public regulation of housing, which is an irrational factor in our economic life if continued permanently. At the present time, however, it is still a necessity, not only in Germany but in other European countries, and it will be so as long as there is no free market in housing; and such a free market can exist only when rents are high enough to show a fair return on new investment. Rents in German cities today reach only the pre-war level, while prices generally have increased fifty per cent and in the case of the most important building materials even a hundred per cent. Private capital, therefore, is as yet unwilling to build, and in fact individuals can build only with public help. The money for such purposes is obtained by a surtax on all houses built before 1918, a levy which is justified by the nearly complete wiping out of all mortgage debts, an unearned increment to the landlord which it is thought the general public ought to share. The tax currently amounts to about forty per cent of the pre-war rent and thus brings in a very substantial revenue, about half of which is used for building subsidies. This relic of war-time activities is in the main being carried on by the cities. The erection of houses during recent years has been done as a rule either by the municipalities themselves or by public utility building associations (*gemeinnützige Baugenossenschaften*) with municipal assistance. The participation of the municipal authorities has certainly had a favorable effect on the quality of the new houses, and one may concede that many large post-war housing schemes have been well carried through both as regards convenience and aesthetics.

But the real solution of the housing problem cannot come by way of municipal construction or grants in aid. The task is too intricate for public administration. The bigness of the problem can be recognized in the fact that Germany today lacks about one million lodgings. It is regrettable that the time has not yet come when private enterprise can take hold of this gigantic problem and solve it quickly, for it is only in that way that it can be solved.

VI

An interesting development has taken place during the past few years in the traditional fields of municipal socialism. Although the Revolution at the outset brought strongly to the foreground the ideals of socialism besides those of democracy, the inflation period quickly led to a vivid realization of the dangers of socialization. The daily fluctuations in the value of the currency required a quickness of decision in matters of business which the ordinary municipal administration, with its commissions and legal complexities, was not able to provide. The advocates of economic individualism who had always fought municipal socialism were now listened to more readily when they argued that public operation of gas, electrical, and similar plants could not be made to function efficiently under difficult conditions. As against the demand for municipalization in the first years following the war there rose up a strong countermovement for de-municipalization. The result of the lively contest, on the whole, has been to leave the old municipal enterprises as they were; in other words the *Versorgungsbetriebe* or enterprises which closely relate to the necessities of life (especially water, gas, and electricity) are still municipally owned and operated. Some improvements in the forms of public management have been made, as the outcome of experience. For example, a number of individual plants have been given a company organization, the entire capital stock being controlled, however, by the municipality. In this way the management has been given the flexibility of a private enterprise. In other instances it was found possible, under the existing municipal powers, to gain this flexibility of management without resort to the company organization. This was accomplished by having the city council delegate to the directors and administrative boards broader powers of decision, so that they might dispose of business promptly without having to lay matters before the council for its decision. In general, then, the municipal character of the *Versorgungsbetriebe* has everywhere been preserved but the forms or the methods of management have been somewhat changed. As between municipal and private ownership the principle, as now recognized, may be briefly stated as follows: enterprises which can be as well or better conducted by private hands, belong in private hands. But where the interests of the people can count upon receiving more consideration under municipal management, municipal management must take its place.

The question of taxing the municipal enterprises has been a theme of vigorous controversy between the city administrations and the private industries during the past few years. According to the latest regulations all enterprises of a commercial character are subject to taxation, but in the case of municipal taxes this is only a matter of formal entries on the books for the purpose of gaining a true statement of fiscal operations.

VII

Finally as to the making of loans. It is obvious that after having had no possibility of borrowing during the war, and for a time thereafter, municipal loans have become a pressing necessity. Extreme thrift and restraint is, of course, also quite necessary. But a city, especially a large city, cannot go on stagnating after a decade of standstill. The gas, water, and electrical plants, the street railways, and the sewerage systems all need to be thoroughly modernized because of their neglect during these years and because of the technical progress made in the meantime. In very many cases the works have had to be enlarged in order to be able to serve the increasing demand. Even those who have the strongest bias toward economy cannot shut their eyes to the fact that the cities have an absolute duty, at least within certain limits, to keep pace with the new needs of the time; for example with respect to the growing automobile traffic, air transportation, the necessity of providing athletic fields and gymnasiums, and so on.

All this means a brisk demand for loans, although a few cities may still be able to do without much issuing of bonds for some time, thanks to the present possibility of obtaining money on short notice. Until very recently it was the American market in the main to which resort had to be made for long time loans. But there are important economic considerations which militate against foreign loans. For one thing there is a fear that municipal loans contracted abroad would limit the capacity of foreign money markets to absorb the loans necessary for developing productive enterprises in German agriculture and industry. Another danger inheres in the continuous dependence of German economic life on foreign capital and the possibility of bringing about disturbances in the now stabilized currency. Both the nation and the states, therefore, have endeavored to dissuade the cities from contracting foreign loans, recommending urgently that they postpone their projects to a more favorable season. At the same time the legal restrictions upon unimperative loans have been tightened up. Regulations affecting municipal loans have long been in effect nearly everywhere throughout Germany, the general stipulation being that proposed municipal bond-issues must be submitted to designated supervisory boards, without whose express approval they could not be offered to the public. In the case of foreign loans an additional requirement, namely, approval by a special federal board, has now been added so that foreign loans have to stand a double investigation. A sharp supervision of these financial transactions is bound to accomplish something good. The two investigations are very thorough, and after a loan has been authorized it can safely be said that there is a double assurance; namely, that the loan is for necessary expenditures and that it is within the financial capacity of the borrowing municipality.

For a time the whole borrowing process was complicated by the appearance in Germany of numerous wild agents who pretended to represent American capital. In reality they were only commission hunters without responsibility. On the other hand, many German cities, even quite small ones, feared that they would not succeed in floating their loans unless they sent their own representatives to America. This they did, with rather unfavorable results. But in the course of time it has been possible to bring orderliness and sanity into this loan business and to restore normal methods. After the chaff had been separated from the wheat a number of good loans have been placed through leading American bankers, partly by large individual cities like Berlin, Cologne, Dresden, and Munich, and partly by a number of cities collectively. Among these collective municipal loans the most important are those made by the *Deutscher Sparkassen-und-Giro-verband* (German Association of Savings and Deposit Banks), because the *Giroverband* includes nearly all the German cities, including also those which have contracted their own loans. It proves the credit-strength of them all.

At the outset the question of special security for American loans played an important part in the negotiations. The pledging of special security was, however, quite unacceptable to the German cities, as it would have been repugnant to the principle that the entire property and tax resources of a municipality are the security for *all* creditors. To give special security would have been unfair to other creditors who had loaned to the city upon the assurance of its unimpaired credit. The request for such special security has now been dropped. During the past year, moreover, the home market for loans has somewhat improved and a number of German cities have found it possible to float long-term internal loans.

VIII

Although it is not possible to present, in this article, a detailed account of the development of the German cities since the war it would be an omission not to emphasize briefly the tremendous obstacles and difficulties encountered by the cities in those regions which, by provisions of the Treaty of Versailles, have been under foreign occupation,—for example the Ruhr district, occupied for a time by the French in contravention of the peace treaty, the municipal district of Cologne, and the still occupied territory which comprises a large part of the Rhine province. It was the municipal administrations which had to suffer most severely under these various occupations, with the requests for the housing of foreign troops and their families, with banishments and imprisonments, with the stoppage of essential industries, and daily oppressions of all kinds. The cities of these regions may look back with special pride upon the troublous era in which they held out bravely. And it is worth while to incorporate in the history of German municipal administration the fact that numerous chief burgomasters and other municipal officials could not be diverted from the performance of their duty even at the certain risk of being sentenced by the French to prison or even to the *Zuchthaus*[1] for months or years.

An interesting development in the organization of the capital city remains to be mentioned. In 1911 the close economic association of Berlin with its small and large suburban cities (some of which, like Charlottenburg and Schoneberg, contained more than one hundred thousand inhabitants) led to a loose municipal federation under the designation *Zweckverband Grossberlin.* This was particularly intended to promote city planning on a metropolitan scale and assist in the conservation of the surrounding forests. But it paved the way for a complete municipal union which was finally brought about in 1920.[2] Upon an area of eighty-seven thousand hectares (two hundred and fifteen thousand acres) and with four million inhabitants there was created the Greater Berlin of today. As a municipality it is now in the class with New York and London. For the administration of this large municipality some interesting features of government were devised, especially as concerns the relation of the central city administration to those of the boroughs or administrative districts (*Verwaltungsbegirke*). On the whole, however, Berlin is a city with unified administration and remains subject to the municipal code. A general reorganization of the municipalities in Germany's largest industrial territory, the Ruhr district, is also worth mention. In this region the industrial development has had the result of giving the whole district the physical features of one large city. New regulations have here been drawn with an energetic hand, clearing the way for the development of several large municipal units, since the territory is too large to be administered as a single municipality. In a word, the municipal development of Germany since the war has not been stalled but has been progressing steadily.

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[1] *Zuchthaus* sentences are even more dishonorable than prison sentences and are not under one year, while the treatment is more severe. They are usually connected with the loss of civic rights for a certain period of time, and former *Zuchthaus* prisoners can never serve in the army or navy even in the time of war. —[TRANSLATOR]

[2] *Gesetz über die Bildung der neuen Stadtgemeinde Berlin* (April 27, 1920). A portion of this law is printed in T. H. Reed and Paul Webbink's *Documents Illustrative of American Municipal Government* (New York, 1926), pp. 504–512. —[ED.]

Great distress was brought to the German cities by reason of a lost war, reparations, and a world crisis. But it did not serve to break down their strength and courage. German municipal administration is now more than ever conscious of the fact that it must undertake important work in the life of the nation. Even the storm and stress of the past dozen years have left intact the most vital feature of Stein's reform, to wit, the principle of municipal self-determination, thus demonstrating that this century-old formula of local government stands today with undiminished strength. Hence our cities may feel sure, as of yore, that they sail in a storm-defying craft. Confident of their strength, they are once more able to steer a definite course, the course of courageous progress.

local government board. It is scrutinized thoroughly, the financial ability of the municipal institution is investigated, the necessity of the work is examined and the reasonableness of the whole proposal is gone into thoroughly. The existence of a local government board or a similar tribunal, call it what you will, inspires confidence in the minds of the prospective investors and means lower interest rates for the issuing authority. Previous to 1914, when the board was created, cities and towns by their own votes decided, as in the older provinces, from time to time, whether or not they would undertake a loan. The optimism to which I referred above was leading some of them into trouble. It was expected of the board that it would assist in the sale of municipal securities and this duty is being performed. The board will not countersign a debenture unless it is shown that such debenture is sold at a satisfactory price. Thus no local authority, no matter how inexperienced in financing, can be imposed upon, because the services of a body whose duty it is to keep in touch with prevailing market rates are available.

WHY TWO SUPERVISORY AGENCIES ARE NECESSARY

Some may ask, however, why the necessity of a local government board when you have a department of municipal affairs? I think I can explain this in a few words, although I can understand that a department of municipal affairs might include within its duties the work of a local government board.

A department of the provincial government, in giving a decision, expresses nominally at least the will of the government but a board or a commission has a more independent status. Some say, and I am not going to comment on the statement, that governments are sometimes prone to pass to a commission or board the disagreeable work. Now the turning down of an application to borrow money, from a city council or other local authority, may not be a pleasant task, and local politicians may object to the ruling if made by a body not independent of politics. The rejection or modification of the application, however, is probably in the interests of the city itself, although time only will prove it.

The board may supervise any work undertaken by a local authority and has wide powers in securing information on all matters connected with municipal activities. Some may think that the powers of the local government board are too wide. One answer is that the creation of the board was asked by The Union of Saskatchewan Municipalities in the year 1912 at its annual convention.

SINKING FUNDS

Another function of the board has to do with sinking funds. You all know how easy it is for those in charge of a sinking fund to make poor investments from the monies standing to its credit, and mistakes in this regard have been made in practically all our provinces. In Saskatchewan, no city or town or town school district can invest any of its sinking fund without first securing from the local government board, authorization to do so. We are particularly careful as to the class of investments selected for this purpose. Not in any case is a part of a sinking fund allowed for investment in real estate or mortgages. In fact, we are so careful that some railway bonds, although guaranteed by a government, have been turned down as an investment. It will occur to you that, where guarantees are necessary, delays in the meeting of instalments are quite possible.

The law in our province provides that the local government board may take over the entire management of a sinking fund and this provision has proved of benefit in more than one instance.

The law provides that when a legal or equitable owner of a portion of a subdivision desires to cultivate, along with his own lands, the balance of a subdivision, he may make application to the local government board for permission to do so. Notices of a hearing are issued, and if no valid objection is taken to the temporary occupancy for cultivation purposes of the rest of the subdivision, permission to use the same for growing crops of some kind is issued by the local government board. The purpose of this portion of the statutes was to have used for some useful object areas too often held for speculation at the limits of urban centres.

The board is also charged with the administration of the "blue sky" legislation. In 1915 the legislature of Saskatchewan passed what is known as The Sale of Shares Act, which provides that, with certain statutory exceptions, no company, syndicate or association, may offer for sale any shares, stocks, bonds or other securities until it first obtains a certificate for the purpose from the local government board.

SOME PRINCIPLES TO GUIDE COMMUNITY ZONING

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Retail business constantly tends to invade homes, which it is the first task of zoning to protect. How can we measure the reasonable demands for new business districts in a growing community? :: ::

1. The Purpose of Community Zoning Is to Secure Right Relations in the Uses of Land.

The advantage of community life consists largely in the availability of numerous highly specialized goods and services, involving widely different uses of the land. There would be no need for community zoning but for the fact that these uses, while highly cooperative and interdependent, are more or less incongruous with each other, as are the uses of rooms in a house. There would be no need for zoning regulations were it not that the interests of individuals and groups of persons in these uses are frequently in conflict; for in the nature of things some uses are sensitive to injury and depreciation by others. Right relationships in the uses of land accordingly dictates the segregation of incongruous uses in suitable districts, and such arrangement of these districts as will minimize injury and depreciation. Beyond question such exercise of the community power justifies itself both in promoting order, solidarity and convenience in community life, and in the general conservation of improvement values.

In seeking this right relationship in the uses of private land it is necessary to distinguish carefully between their characters, relations and kinds of contact, and to determine if possible their relative importance. Intelligent zoning calls of course for the consideration of many other elements which are beyond the limits of this paper.

A first broad distinction in this direction may be made between dwelling and working uses of property. Working uses may be classified in turn according to the character of activity, product and market, which factors determine their preferable locations relative to other uses. Industry, wholesale trade, storage and like activities look to easy transportation and cheap land rather than to competitive locations, and do not necessarily press upon the more highly utilized districts where they would be most objectionable neighbors. Retail trade on the other hand, with its lesser depreciating features follows closely upon the residence districts which provide its chief market, competes actively for locations tributary to them and thus gives rise to the most frequent and vexatious problems of zoning.

Within this limited range of residential and commercial districts, to which this paper will be confined, a further general distinction lies in the degree of intensiveness of property use, which is normally reflected in money values. The land which is used by the fewest individuals per unit of space is of course the residential area and on the average it is worth the least in money. Next comes the property more closely utilized for double or group houses and higher still the land built over more or less completely with apartments or flats. At the extreme of intensive use and money value are the central properties of retail stores, which serve hundreds of families every day. Which among these various kinds and degrees of use shall be taken as the starting point, as being of basic importance in zoning?

2. THE USE OF PROPERTY FOR FAMILY HOMES IS OF BASIC IMPORTANCE IN COMMUNITY ZONING.

The first duty of citizenship is the nurture of the family and the preparation of the young for the responsibilities of life. For these purposes a great variety of goods and services are required, and many specialized and costly facilities,—industrial, commercial and other—for their production and supply. But however indispensable these may be to the comforts and conveniences of community life, from the wider point of view they are not properly an end in themselves but are in fact only means to the end of discharging the obligations of good citizenship. It is recognized also, by the courts as by the public at large, that the environment of the family home contributes vitally to this end and is by all means to be fostered and preserved. As between business and residential uses of land therefore, this means simply that business exists primarily for the service of the home life of the community, not the community for the support or encouragement of its business.

A lesser degree only in social importance attaches to the more intensive uses of apartments and flats which are better adapted to adult occupation and with which the kind of environment suitable for the young is ordinarily lacking. These also are necessary to community life. As a class they are more or less incongruous with family home districts, since they break the solidarity of a neighborhood and impair its character, but on the other hand they are nevertheless homes, and as such must be granted due preference over business uses.

3. HOME DISTRICTS SHOULD BE WELL SHIELDED FROM INCONGRUOUS USES.

Zoning is based upon the fact that incongruous uses depreciate land and improvement values, lower uses, so-called, depreciating the higher. Nevertheless this is not always sufficiently recognized, particularly where the expansion of business into residential districts is proposed. It is natural that the highest use should be the most susceptible to depreciation and hence, necessarily, that home districts should call for the most careful protection. This is ordinarily afforded by interposing multi-family dwellings, flats, apartments and boarding houses between the main residence and business districts. These intermediate zones should themselves be graded so that only the least incongruous and depreciating uses will be in contact. Naturally they can not serve the purpose either of protection or of utility in themselves unless they are reasonably adequate in width. Their effectiveness for neither of these purposes should be sacrificed to the expansion of the business area except under pressure of obvious need.

4. PROTECTION TO HOME DISTRICTS SHOULD BE ACCORDED IN PROPORTION TO THE VALUE OF THE IMPROVEMENTS.

The higher the standard of value in a home improvement the greater will be the prospective loss by depreciation, the more sensitive to its influence the property will be and the greater the distance from which injurious influences will be felt. Home improvements of higher value should therefore be protected by greater distances from business districts. This requirement is usually anticipated by personal judgment and private restrictions, but occasionally it needs to be respected by the community in the process of zoning. This special recognition of value and permanence is not inequitable or undemocratic: It does not favor the mansion as against the cottage. It does not imply that low-cost houses are entitled to less protection than others, but recognizes merely that they require less and are less sensitive to depreciation.

5. PREMATURE DEPRECIATION OF RESIDENCE IMPROVEMENTS SHOULD BE PREVENTED BY THE REASONABLE RESTRICTION OF BUSINESS DISTRICTS.

The natural tendency of retail business to follow and press upon the residence districts gives rise to prospective business values well outside the area actively employed for trade and makes this zone attractive for speculation and for a lower grade of business improvements. Such activities necessarily subject the better home improvements of the neighborhood to abnormal and premature depreciation and this influence is felt to a considerable distance beyond. Zoning protection of these residence districts is thus adverse to the desires of owners, dealers and speculators in this class of quasi-business property, and great pressure is frequently applied to relax its restrictions. Decisive choice should be made between these conflicting demands; and if the residential interests are to be duly respected the strict limitation of the business area must be frankly faced. For right relationship between these uses involves reasonable proportion of area as well as good order in arrangement. It requires therefore that the area devoted to business services shall at no time be extended beyond the reasonable and normal community demand.

How shall we determine this demand?

Careful business surveys of various communities have disclosed that there is an approximately balanced relation between the number of retail enterprises and the population, and that this relation is more or less constant within limits apparently determined by the character of the community and the extent of its markets. Such a survey continued year by year will afford a convenient and dependable indication, if any is called for, as to whether or not a community is normally provided with stores. Complaint that there is a shortage of stores, that enterprise is being discouraged and that business is being throttled for lack of space can thus be duly heeded or otherwise disposed of.

Even though the normal requirement for stores be well satisfied, there will still be demands for large area to provide for future expansion. But there is no obvious advantage to the community in keeping any large additional supply of business sites on the market, especially if the purpose of zoning will be defeated thereby. The maintenance of a relatively small reserve area will preserve the balance of supply and demand as well as a large one, and will minimize the injury which zoning is intended to prevent.

6. The Interests of a Community Do Not Ordinarily Call for a Relatively Large or Extended Business District.

The business service of a community is reasonably complete and satisfactory if it offers convenience to the shopper, variety of offerings and reasonableness of prices. None of these advantages necessitates a relatively large or extended business area.

Convenience in shopping is a matter chiefly of access and circulation. Access depends upon transportation, and increasing ease of transportation tends to the further concentration of business. The growing appreciation of the value of residential zoning tends in the same direction and against the establishment of business sub-centres or, where they are considered necessary, toward their restriction and aesthetic control. As to convenience of internal circulation, that business district is always considered best in which the largest number and variety of stores are found within the shortest radius.

In a small community or neighborhood centre the variety of stores will be relatively small; in a larger shopping centre retail business will be highly specialized and the variety of goods and services will be much wider. It would seem also that a larger number of stores will be required relative to the population and consequently a larger proportion of street frontage. But with this increase of variety and specialization business also becomes highly intensified, concentrated and departmentalized, so that the relative requirements of space appear to be about the same or may be actually diminished.

One of the arguments occasionally employed against the restriction of the business area is that an artificial site monopoly is being maintained and excessive rents are being exacted which are charged to the public in extortionate prices. This calls for a careful survey of the facts, which should usually be sufficient, or some thought of the economics of retailing.

Rentals of retail stores, as a part of the cost of selling goods, should range from four to ten per cent of selling prices. To argue, however, that an increase of rents will increase prices is to put the cart before the horse. Prices can not be raised at will by those who expect to remain in business. They are determined by a nation-wide competition in efficiency of production and distribution, culminating locally in the struggle for trade which tends to reduce profits and prices on individual items for the sake of larger stock turnover. In this process retail rentals are but a single item of expense, and they in turn are determined, not merely by what the landlord demands, but by what a business suitably located and efficiently managed, can afford to pay and still yield the proprietors a reasonable profit. High rentals and land values therefore, are not an indication of artificial site monopoly, nor are they necessarily or ordinarily associated with high prices; they are simply the reflex of intensive business.

There is, of course, a natural monopoly of sites where the best business can be had and the highest rentals earned, in the centres where purchasing traffic is concentrated. But the inherent values at these centres are based entirely upon higher earning power, and if this were impaired by the diversion of traffic there would certainly be no occasion for reductions in prices. Extensions of the business district moreover are not likely to disturb these peak values, which are fairly well protected from sudden change.

7. The Form of a Business District Should Be Predetermined by Provision for Its Traffic.

Other things being equal, the ideal form of a business district appears to be more or less compact, as offering the greatest internal concentration and the shortest perimeter of contact with residential and other uses. Ordinarily, however, such a form cannot even be approximated, although natural conditions may permit, because of inadequate and faulty circulation. The reasons for this condition are simple. Our streets were not proportioned for the volume of traffic which they now bear, nor were they planned for its convenient or economical distribution. Old highways, cross-roads and ambitious "main streets" emerged somewhat wider than the others, and the natural flow of traffic to these avenues has alone determined the general outlines of our business districts. The best formed and most convenient of these are found, and but rarely, about the intersections of radial thoroughfares; the worst formed and most inconvenient and inefficient are those excessively elongated districts stretched out along one principal avenue. Inevitably all the other streets are narrow.

The only corrective of these conditions is constructive planning and street-widening, both to facilitate traffic circulation and relieve congestion and by distributing and directing it externally as well as internally to improve the form and convenience of the business district.

This mere suggestion of the relations of traffic to business zoning shows that the work is only begun when the requirements of business service have been calculated and the approach to an ideal form worked out. Under the conditions confronting us corrective thoroughfare planning of a bold and drastic nature must accompany the zoning of business districts, and large but ultimately profitable expenditures must be faced in carrying out the necessary improvements.

8. The Rate of Extension of a Business District Should Be Regulated by the Rate of Community Growth.

If, as has been found, there is a normal demand for business space which remains more or less constant in proportion to the population, it only remains to observe the rate of community or business growth to determine approximately the rate of extension of space which will be required. If for example, the number of stores or amount of occupied business frontage has been increasing at the rate of five or six per cent per year, as will be found normal for a fairly swift-growing community, there will be no apparent reason for accelerating this rate of increase of business space and pushing out prematurely into the residence districts. The best of reasons point the other way. The extensions of business zones therefore should be made circumspectly step by step, and, even, if special conditions require, lot by lot in order that depreciation may be minimized and the greatest values may be conserved.

9. THE PURPOSE OF ZONING IS BEST ACHIEVED BY A CONTINUING RATHER THAN BY A SPASMODIC PROCESS.

If it is the purpose of zoning to secure right relations in the uses of real property, then the elements entering into these relations need to be adjusted with the growth and change of the community. Now the growth of population and the changes it brings are more or less continuous and not sudden or spasmodic. There is thus no justification for spasmodic zoning, either of the nature of repairing neglect and delay or of premature and extensive change. The benefits involved in zoning are of far greater moment than temporary convenience, civic ambition or conformity to some future ideal. It may seem more convenient to go through the official procedure at long intervals, and hence to zone large areas at a time, but the maladjustments inherent in this method make it difficult as well as questionable, while more frequent and smaller adjustments can be effected as a matter of routine and without disturbance of values and consequent opposition. A yearly zoning program should be just as reasonable and practicable to carry out as a yearly program for paving and service extensions, for it has the same object, viz., to serve the growth of the community.

At the other extreme from neglect and delay and waiting upon convenience, probably the most egregious abuses and excesses arise from the confusion of zoning with city planning. Planning properly projects itself far beyond present conditions and limitations, while the benefits of zoning are meant to be enjoyed here and now as well as to continue. It is not only praiseworthy but necessary to visualize the greater city of the future, but it is destructive of community values to impose its proportions upon present conditions which they will not fit. In so far as zoning is premature, therefore, it will defeat its own purpose, and to that extent will be equivalent to no zoning at all.

10. ALL ZONING SHOULD BE GUIDED BY A COMPREHENSIVE PLAN.

Zoning in its best sense, in the language of the supreme court of California, "looks not only backward to protect districts already established but forward to aid in the development of new districts according to a comprehensive plan having as its basis the welfare of the city as a whole."

It is impossible to look forward without a plan. It is only by reference to a definite and comprehensive plan of future development, drawn and published for all to see and understand, that a consistent policy of progressive zoning can be worked out, public uncertainty and distrust removed and waste and depreciation minimized. Naturally such a plan cannot now be complete and final, for it must be adjusted to developments which we are unable to foresee. But it will indicate the course which zoning must follow step by step if it is to serve its wider purpose of shaping the city of the future, as well as the constant and present purpose of promoting the general welfare.

THE FATE OF THE FIVE-CENT FARE

V. CINCINNATI'S SECOND SERVICE AT COST PLAN MAKES CITY AND COMPANY PARTNERS

BY LAURENT LOWENBERG

Consulting Engineer, Cincinnati

A comprehensive service at cost franchise, in effect last January, seems to have brought a new and healthy spirit to those engaged in Cincinnati's transportation service. The street car fare is now ten cents, three tickets for a quarter; the bus fare is ten cents straight, with universal transfers between street cars and buses. The city's control over service is complete. :: :: :: :: :: :: :: :: ::

THE same influences which ten years ago caused the electric railway industry to make a nation-wide appeal to federal, state and municipal governing bodies for help to stave off the impending doom were also affecting the operations of the Cincinnati Traction Company.

FIRST SERVICE AT COST PLAN ADOPTED IN 1918

Necessity was aided by opportunity, for the motive which prompted a revision of the franchise at that time was the fact that the Cincinnati Traction Company was operating under the Roger's Act, granted in 1896 for a term of fifty years, which contained a provision that its terms and conditions should be open to revision at the end of twenty years and each fifteen years thereafter. So that the matter of revision was naturally the subject of negotiation in 1916. At the time, the rapid transit commission had just begun to function and an ordinance was drawn up in council revising the old franchise and containing a lease to the Traction Company for the operation of the proposed rapid transit system. This ordinance was completed in 1917 and was ratified by the people at an election. However, the plan was defeated by a decision of the Ohio supreme court which held that the new ordinance was invalid on the ground that it contained a provision for lending the city's credit to a private company. The delay incident to the litigation over this matter extended also to the revision of the fares, and it was not until 1918 that the franchise was revised and the first service at cost plan adopted.

It would lead us too far afield to enter into a detailed discussion of the original plan, but a few points may be of interest.

In the first place, the original contract was not based upon a valuation of the property, but rather on a recognition of the then existing fixed charges of the Cincinnati Traction Company, including its obligations to the Cincinnati Street Railway Company. This basis of settlement was arrived at after three separate appraisals had been made of the property. One by the company, one by the public utilities commission of Ohio, and a third by an engineer employed by the city. The capitalization finally settled upon was approximately equal to the reproduction cost valuation made by the state commission, but was double the depreciated value as arrived at by the city's expert. Under this contract the city could take over the property any time upon the payment of the sum of $26,238,950 plus any proportion of the reducible debt outstanding at the time, plus the amount necessary to retire the car trust notes outstanding at the time of the purchase, plus the amount necessary to retire the then outstanding securities issued for the reserve fund or for capital expenditures, plus any and all accrued and unliquidated deficiencies at the time of such purchase; minus items such as depreciation, insurance and sinking funds and working capital or reserve funds.

If this plan had any merits at all it was hampered by the fact that it started off with a five-cent fare, which was lower than it should have been at that time because of the high cost of labor and material incident to the war. However, the five-cent fare was adopted as a means of forestalling a referendum which was threatened (at that time) by those opposed to a higher fare.

Another item of interest was the reserve fund of $250,000, which in the new service at cost plan is called the "fare control fund." After this fund has been built up to $400,000 those surplus gross receipts, remaining after the payments provided for in the contract, were to be divided between the city and the company in the following proportion, depending upon the rate of fare being charged at the time.

If the fare for adult passengers should rise to more than six cents, the reserve fund was to get all of the surplus gross receipts: if the fare was six cents, the fund got 80 per cent and the company 20 per cent of the surplus: if the fare was 5½ cents the fund would get 70 per cent and the company 30 per cent: if the fare was five cents or less the fund would get 55 per cent and the company 45 per cent. It is needless to say that, during the life of the first service at cost plan, there were never any additions made to this reserve fund. The idea, however, was that, although the control of the operation was in the hands of the city director of street railroads, there should be an incentive to the company to operate as economically and as efficiently as possible and should receive some extra reward for such service.

CITY MAKES NEW DEMANDS

Operation under this service at cost plan was not satisfactory and the situation soon became acute. In January, 1922, the mayor, the director of street railroads and the chairman of the committee on street railroads of the city council, addressed a communication to the Cincinnati Traction Company, insisting that it should endeavor to accomplish the following:

First—A readjustment or scaling down of the capitalization.

Second—A readjustment or consolidation that would result in a single corporation.

Third—A divorcement from the resulting single corporation of all activities not directly concerned with the electric railway system.

The local transportation system, owned by the Cincinnati Street Railway Company, was in February, 1901, leased to the Cincinnati Traction Company. The Ohio Traction Company was later organized to hold the stock of the Cincinnati Traction Company and to do all the financing. The Ohio Traction Company also organized and owns the Cincinnati Car Company, an industry manufacturing street cars, and an office building known as the Traction Building. It has also leased the property of the Cincinnati and Hamilton Traction Company.

Including the city officials above mentioned, a committee of seventeen was appointed by the mayor for the purpose of investigating and reporting on the traction situation. After several years of negotiation, the Cincinnati Street Railway Company and the interests connected with the Cincinnati Traction Company finally reached an agreement, after which time it was necessary to negotiate for a new franchise. The new franchise was passed by council in August 1925, but was vetoed by the mayor. The ordinance was again passed by council over the veto of the mayor and went into effect on November 1, 1925.

The main differences under the new arrangement and the old franchise are as follows:

First—The transportation system is owned and operated by the Cincinnati Street Railway Company whose interests are confined entirely to the single purpose of providing urban transportation. So that no doubt much benefit will accrue because of its simple corporate existence and direct relation to the local investing public.

Second—The company is no longer operating under terms granted in the Roger's Law, but under the new franchise which runs for a term of twenty-five years.

THE NEW FRANCHISE GRANTED IN 1925

An understanding of the present street railway situation would be aided by a digest of the more important sections of the new franchise. This ordinance grants to the Cincinnati Street Railway Company a renewal for twenty-five years of the right to maintain and operate street railways, and the company on its part agrees to provide adequate, convenient and safe service and keep the system in good repair.

Section 5 is intended to provide that the city shall have the right to obtain for the public, the quality and quantity of service that is necessary for the convenience and comfort of passengers, and to this end it accepts the responsibility as to the rate of fare which will result from the company carrying out such orders. On the other hand the company shall have the right to receive fixed charges, and a return on the capitalization agreed upon, and it in turn accepts the responsibility for operating the schedules and providing the quality and quantity of service ordered by the city. The limitations which are put upon the city in the exercise of its control, is a recognition of the amount of the capitalization agreed upon and the fixed return thereon, and that the right of the company to properly maintain its property needed for public service shall not be impaired. The limitation put on the company is that, since the fixed return on its capital shall be certain and safe, any earnings in excess thereof shall be applied either to the reduction of fares, the reduction in capitalization or the improvement of service, instead of as heretofore, partially at least, helping to increase the company's dividends.

The city's control is vested in a director of street railroads and motor buses. He has the authority to designate stopping points, to require the company to order new equipment or equip its cars with modern improvements necessary to the convenience, comfort and safety of the passengers and specify changes in schedules and routes. He also has the power of inspecting the accounting of the company, including the application of the gross receipts. He must also approve contracts for the purchase and sale of power, leases of other lines, grants from other municipalities, arrangement as to the operation of any rapid transit system, etc. He or his assistants or any experts representing him, shall have the opportunity for inspecting all the property of the company and auditing all receipts, disbursements, books and other documents in any way affecting the ownership or operation of the system.

If the company feels that any order of the director is not in keeping with the letter or status of the ordinance, it may appeal from his decision to a board of arbitration. The board of arbitration is made up of one representative appointed by the street railway director, another by the company and the third by the sinking fund trustees.

On December first of each year a budget for the ensuing year is made up by the company showing the estimated gross receipts, operating expenses, taxes, fixed charges, etc., which must be approved by the director. The expenditures for the coming year must be controlled by this budget, except if the amount is insufficient to enable the company to comply with all orders of the director, the latter shall increase the allowance. Any disputes arising therefrom are referred to a board of arbitration.

The expenses of the office of the director of street railroads are to be shared pro rata between the city and the company, but payment by the latter shall not exceed $15,000.

Rentals for the use of all viaducts are provided and in the aggregate amount at present to $6,500 per annum.

The accounting system used by the company is the standard classification of accounts, adopted by the Interstate Commerce Commission. The company can make no charge to capital account for any additions paid for by the city or any donations made to the company. The company must keep a continuing inventory of all its property and cannot dispose of any of it without the approval of the director.

DEPRECIATION AND AGREED CAPITALIZATION

From the date that the ordinance became effective to December 31, 1929, a special depreciation fund amounting to $1,750,000 is to be set aside from the gross receipts. Under the former operation no fund was provided for depreciation and the amount above mentioned is to provide for depreciation which has occurred in the past. The sum shall be expended prior to January 1, 1930, and if the fund is not sufficient to bring the tracks and overhead construction into the proper condition, the director may require the company to set aside an additional depreciation fund for current accruing depreciation, it being felt that the amount needed for the above was so large as to make any further amount a burden at present. At the expiration of the period referred to, the company and the director will agree on an amount sufficient to take care of current depreciation.

Section 14 deals with the agreed capitalization and possibly this item took up more time of the various interests involved in the controversy than any other single matter. The initial capital stock at the beginning of the operation of the ordinance is agreed at $22,761,950. This sum is made up of $18,511,950 which represented the outstanding common stock of the Cincinnati Street Railway Company and $4,250,000 which was issued in part payment for the purchase of the interests of the Cincinnati Traction Company and the Ohio Traction Company. Under this section there is also provided a capital stock retirement fund amounting to $3,000,000.

The $3,000,000 capital stock fund is a compromise on the part of the Traction Company and the city officials in the final decision as to the proper amount of capitalization. The city officials seemed to think that $25,000,000 was the proper amount of capitalization while the company officials said $28,000,000 was the minimum amount they could accept and so it was finally agreed that a fund should be set aside for the purpose of retiring $3,000,000 of the capital stock and thus eventually bringing the capitalization to the desired amount.

The capitalization agreed upon in the ordinance is not only for the purpose of determining the fixed charges which the company is permitted to earn before increasing or reducing fares, but also to establish a figure at which the city can under certain conditions purchase the entire system. Even in this latter case the amount of capitalization is not of great importance unless the city has adopted a policy or well-defined plan which at some time in the future may eventuate in their acquiring the property. However the capitalization is of very great importance in establishing the credit of the company, which, as is well known, is all but obliterated for most of the traction companies in the country today.

THE FARE CONTROL FUND

There is also a fare control fund amounting to $400,000 obtained through the sale of securities. The way this fund operates is as follows: On the fifteenth of each month the company files with the director of street railroads a statement of its gross receipts, operating expenses, etc. Whenever this statement shows a deficit, such deficiency is paid out of the fare control fund. When this fare control fund contains less than $200,000 the rate of fare shall be increased the following month by one-half cent, while on the other hand if the fare control fund exceeds $600,000 through having had paid into it the surplus income from operating expenses, the fare is reduced one-half cent. After an increase or decrease in fare has been made, no further change is permitted for at least three months. It may be interesting to note that an extra charge may be made on all owl cars or cars operating between midnight and 5 A. M.

The city has the right on the thirty-first day of December of any year, to give one year's notice in writing to purchase the entire system for the aggregate par value of the capital stock and reducible debt.

The return allowed on the capital stock is 5 per cent a year for the first three years and 6 per cent thereafter.

The company agreed to purchase the Cincinnati and Hamilton Traction Company at a price of $1,000,000. This deal has been recently consummated and is now included in the property of the Cincinnati Street Railway Company and in the capitalization of $28,000,000. The receipts for the entire road and its operating expenses and charges are included in the operating expenses and charges of the whole system. The receipts of this road within the limits of the city are more than the pro rata share of its expenses, but the entire road at present is being run at a deficit.

CITY AND COMPANY ARE PARTNERS

These are the main factors in the ordinance which affect particularly the relations between the company, city and car riders. It would seem that the franchise practically puts the city in control of the transportation system. Nothing can be done either in the operation of the transportation system or its accounting which is not under the city's inspection and control at all times. In other words, the city and the street railway company are partners.

Service at cost plans have not been in operation in this country for a sufficiently long time to arrive at any definite conclusions. But it seems, from the study of all the plans tried over a period of years, that the local plan is probably one of the most flexible that has so far been adopted.

An analysis of the problems involved would lead to the conclusion that the means for providing a plan which shall secure sound regulation and control should include the following:

First—The total capitalization upon which the company in justice to both investors and the public, shall be allowed to earn a fair return.

Second—The establishment of a system of charges for service by which rates will automatically increase or decrease, so as to yield at all times sufficient revenues to meet all the payments specified in the plan, including the necessary and protective reserves.

Third—Power of regulation by the proper authorities in respect to all matters affecting conditions and character of service including extensions, improvements and betterments.

Fourth—The utility should be permitted to operate on the so-called indeterminate franchise principle and be subject to regulation in respect to accounts, capital, investments and other matters.

Fifth—The plan should set forth for the right of the municipality to purchase the property at a price definitely established.

Sixth—The car riders should be relieved of the necessity of paying for taxes and special charges and assessments as part of the cost of transportation.

It is generally believed that most of the above provisions, at least the more important ones, have been incorporated in the local service at cost plan.

RELATIONS WITH EMPLOYEES

One of the faults inherent in the service at cost plan is the matter of treating with labor. It has been brought out that, as the fare must take care of all operating expenses, the company would not put up a very stiff fight against a demand for an increase in wages because it would be absorbed by the fare anyway and would not affect the rate of return on the capitalization. It must be remembered that the city does not operate the property, it merely regulates it, so that in case the company granted an increase in wage, the city through its proper official could only refuse to allow the company the money with which to pay these wages and if the company insisted, the case in question would then be sent to a board of arbitration.

The relation between the company and its employees is one of great importance. In the past this labor has been considered in the light of other commodities, the company treating the subject of wages in much the same manner that they handled the matter of prices of materials. More intelligent, loyal and efficient employees would have a tremendous effect in placing the railway company in favor with the public, and here lies the opportunity for real constructive work. While the positions of motorman and conductor would not be classed under the heading of skilled workmen, the job is a very attractive one. It is not subject to seasonal influence and an employee who performs his labor properly can hold his job year in and year out without any fear of being laid off because of industrial depression. The company must realize that its greatest asset is an efficient, loyal and competent personnel and that only by organizing such a force and through sincere coöperation between company and employee can the industry be restored to public favor.

NO SLIDING SCALE

It may be noted that the plan does not include a provision whereby the street railway company is given the opportunity of participating in the benefits resulting from economy, efficiency and initiative so as to induce the greatest efforts on the part of the utility. It is another weakness in the application of the cost of service theory that it does not properly differentiate between what are efficient and inefficient costs and it is therefore difficult if not impossible properly to reward or penalize the company. Even where a reward is provided it should go to the officials who are directly responsible for the economies and not to the company to be distributed to the stockholders who were in no way responsible for the efficient management. But whatever provision may be made for rewards for efficiency according to an established schedule, it is so difficult for the city officials and the company to be in agreement as to the proper amounts to be expended for maintenance and betterment and similar expenses, that there always arises in the minds of the public a suspicion that the company is skimping the service in order to gain the reward. When the railroad officials can be made to realize that they are really servants of the public, entitled only to a fair but guaranteed return on the money that they have invested, pride of operation will bring its own reward and insure an efficient management without the need for financial incentives.

BUSES

A condition cutting deeply into the revenues of the company was the entire absence of regulation of independent bus companies by council, and in consequence they sprang up like mushrooms. In October 1925 the first ordinance was passed by council providing for the regulation of motor transportation companies and others engaged in the business of carrying passengers for hire. Coincident with the granting of the new franchise to the Cincinnati Street Railway Company a second franchise was negotiated permitting it to operate buses, as this right was not included in the company's charter. The company is now operating a number of bus routes which have been acquired through purchase or started at the suggestion of the director of street railroads into territory which had not been adequately provided with transportation service.

NEW PLAN PROMISES SUCCESS

Cincinnati's second service at cost plan has only been in operation since the first of the year and therefore not sufficient time has elapsed from which to draw accurate conclusions as to the benefits which have resulted. It is plainly evident however, that an entirely new and an apparently healthy spirit is animating the various interests in their handling of the local transportation problem. The fare on street cars is ten cents, three tickets for a quarter. The fare on the buses is ten cents straight. Universal transfers are given on street cars and buses within the city limits but transfers are given for buses outside of the city limits only when a ten-cent fare has been paid. The director of street railroads is conducting his department in a thoroughly capable manner and with an unbiased viewpoint. He is approaching the problem with an understanding that the interests of the car riders as well as those of the company must be conserved if the best results are to be obtained.

However the greatest change is to be seen in the attitude of the company.

The old methods of the "soulless corporation," a term well suited to former electric railway companies, are gone and in their place has come a policy of giving the public a square deal. The company has, for example, placed a new line of cars in service connecting all the depots and hotels. This route is travelled by a particularly attractive new type of car providing comfortable leather covered seats and with special and ample space to take care of all hand baggage. The company is attempting to increase the use of its service through advertising in the cars, explaining the aims of the company, the advantages to be obtained by riding on the cars, and in general popularizing the idea that the company and the city are partners in the enterprise. They have adopted the wise policy of withholding nothing from the public and in numerous addresses made before various organizations in the city, the company officials have concluded their talks with the statement that they would be glad to answer any questions. The general public attending these meetings has been impressed with the open-mindedness and directness of the replies to their questions. Each month since the beginning of the year the company has shown a slight profit above operating expenses sufficient at least to make it likely that no increase in fares is anticipated in the near future. The statement of earnings is published monthly in the newspapers.

A continuous study is made of the possible economies which may be effected in operation. At present sixty per cent of the power required is purchased from the local power company. Arrangements have been completed whereby all the power will be supplied from this source and in consequence all the company's power plants and substations will be shut down.

No plan involving the conduct of human relations can be devised which of itself will insure successful results. Even a good plan can only be made effective if all those who are interested in its success will interpret its application in the proper spirit. With coöperation between all parties interested in the contract, it is believed that the present service at cost plan furnishes the mechanism for satisfactory urban transportation.

COMPARATIVE TAX RATES OF 215 CITIES, 1926

BY C. E. RIGHTOR

Detroit Bureau of Governmental Research

In a majority of the cities the trend of the general property tax rate continues upward. How does your city rate with the others? ::

The primary purpose of this tabulation is to make available a summary statement of the total taxes levied against property during 1926, in the larger cities of the United States and Canada.

In reporting this total tax, it is desired also to show the major governmental units for which the taxes are levied—city, school, county and state

Ed. Note.—For the fifth consecutive year, the Review publishes a table of comparative tax rates, prepared by Mr. Rightor with a commentary thereon. The interested reader may make comparison with former years by referring to the Review for December of each year.

—per $1000 of assessed valuation; the valuation against which these rates are applied, and the division of this valuation as between real and personal property; and, for comparative purposes, the tax rate adjusted to a uniform basis of assessment of 100 per cent.

Further, an attempt is made to indicate the actual tax burden in each city by estimating the percentage of legal basis of valuation actually applied in assessing property, with the resulting tax rate per $1000.

The cities are listed in order of population by the five census groups, the population being the census bureau estimate where available, and otherwise by a state census or local estimate. It is realized that deductions upon the basis of these population figures, however, without consideration in each instance, may do an injustice to certain cities.

IMPORTANCE OF PROPERTY TAXES

It is generally recognized that, for local governments, real property taxes constitute, ordinarily, from two-thirds to three-fourths of all revenues. It would seem that taxpayers and public officials in any city should be able to learn easily and readily the facts with respect to current property taxes in their own city, and how they compare with other cities. As cities grow and their governmental costs increase, this is a subject of genuine interest to home owners and factory owners.

This tabulation is designed to answer that enquiry, and, like the compilations of previous years, is concerned only with the taxes on property. The itemized rates are reported, but their value is limited, owing to the diversified laws and practices obtaining within the several states and the Canadian provinces. The figures may not be safely used for conclusions unless the detailed facts in the case of each city are given consideration. They do not serve, for example, as an index to the extent or adequacy of public service or of economy of administration. In almost any city, there is a wide divergence between the total revenue from property taxes and the total appropriations or expenditures, owing to the development of other sources of revenue.

One of the first difficulties of tabulating the itemized rates is that in some cities there are various rates for several classes of property. Examples of this kind are Philadelphia, Baltimore, Pittsburgh, the Minnesota cities, and those Canadian cities having two school rates.

In numerous cities, there is a single total budget for all purposes, from which are deducted the revenues from all sources other than taxation, leaving a net amount to be levied against property. Unless these miscellaneous revenues are definitely allocated to the several governmental units, the separation of the rates can be only an estimate. The city and school budgets are commonly totaled, without attempt to separate the rates.

The development of metropolitan districts, for such purposes as parks, sanitation, water, port, etc., tends to complicate the presentation of the data. Unless otherwise noted, however, such district rates are included with the city rate, upon the assumption that ordinarily the city would require a levy for these services.

Instances are found where the unit levying a tax receives no benefit from it, but distributes it to other subdivisions. In Ohio, presumably to circumvent a tax limit law which is choking the cities, the state levies a school tax of $2.65, but as this is locally collected and distributed, the rate is tabulated as a school tax. In New Jersey cities, on the other hand, a similar tax is tabulated herein as a state levy. Thus, while one political unit may levy a tax, it does not follow that such levy reflects the actual cost of that unit to the taxpayers.

EXTENT OF TAXES

Owing to the range in legal bases of valuation, the rates have been adjusted to a uniform 100 per cent basis to determine the actual rates that would be paid if the same assessing rules were applied. This column, "adjusted tax rate," shows a range in the total of all rates of from $61.00 per $1000 for Oakland, to $14.00 for Middletown. For Canadian cities, the range is from $50.00 for South Vancouver to $23.50 for Montreal. The average for all cities is $32.98. The average for 215 cities in 1925 was $31.85.

It will be accepted, however, that with the varying practices of applying the legal basis of assessment, the foregoing "adjusted tax rates" do not in fact measure the actual burden in each city. A further readjustment of the rate to indicate this relative burden is dangerous, owing to its speculative nature and the reluctance of the public officials to indicate any divergence from the legal basis. However, upon the basis of such data as were furnished, the actual rates have been reduced (note that there is never a charge of general over-assessment!), to indicate the relative tax burden. This is reported in the final column, and the range is found to be from $47.03 for Pueblo to $9.60 for Norristown. For the Canadian cities, South Vancouver is again high with $37.50, while Montreal is again low with $17.63. The average for all cities was $23.66. This compares with $24.15 in 1925, the reduction being attributable to a willingness to concede that assessing is not always upon a 100 per cent basis.

TREND CONTINUES UPWARD

It has been said that "when there is nothing to compare, there is nothing to criticize." It is impossible to include in the tabulation the figures for more than the current year, but analysis was made of "adjusted," or uniform, rates for 176 cities reporting both in 1925 and 1926.

Of these cities, ninety showed an aggregate increase of $171.70; fifty-six showed a total reduction of $77.49; and thirty reported no change in rate. For the 176 cities, the net increase in the "adjusted" rate was 53½ cents per $1000.

The increase during the year in the fourteen Group I cities was pronounced. Ten cities reported a total increase of $28.25, three cities a reduction totaling $5.16, and one city no change. The average increase of cities in this group, therefore, was $1.65 per $1000.

It is believed that this continued tendency of the property tax rate to increase is especial significance, in view of the popular acclaim for lower taxes. President Alba B. Johnson of the Pennsylvania State Chamber of Commerce, writing in the June number of the magazine of that organization, stated:

> . . . In the four-year period beginning in 1921, the National Government's expenditures have been reduced by $2,000,000,000. In the same period the expenditures of state, county, municipal and township governments for the whole United States have risen about $4,000,000,000. State and local taxes have risen twice as fast as federal taxes have fallen.
>
> In 1921 the total cost of all governments—federal, state and local—was $9,556,000,000. For 1925, in the face of drastic federal reductions, the total cost of all these governments had mounted to $11,539,000,000. For every dollar saved at Washington, state and local units have increased taxes $2.00.

This leads to the enquiry, What will the maximum tax rate be which will not retard the growth of our cities through expanding industry and new homes?

SCIENTIFIC ASSESSMENT NEEDED

In some cases comments were noted on the questionnaire indicating that the scientific re-assessment of property was being undertaken or was highly desirable. This is probably an outgrowth of the public interest evidenced during recent years in the tax problem. It is but one step, however a most important one, and a few assessing manuals recently issued show that real progress is being made in some localities. Cities in two states asserted that there was no statutory basis of assessment.

A corollary problem is that of property exemptions. The extent of exemptions cannot be disclosed in a condensed tabulation such as this, but deserves the attention of those seeking to relieve the present taxpayers. Interesting phases of exemption are the "graded tax law" operating in Pittsburgh and Scranton, and the housing exemptions noted in New York City and Toronto.

A "competitive reduction" in assessment was asserted among the cities of one state, due to the fact that the state continues to levy a tax on real property, using the local valuation as a basis. Pennsylvania, California, and North Carolina have segregated real property for local taxes. Effective next year, Virginia joins the rank of these states, while other states are giving it thought.

Similarly, a few states have abandoned a tax on tangible personalty, and others substantially reduced the rates on this class of property. Several years ago, Ontario abandoned the personal property tax, and substituted the income and business taxes. Possibly this offers a suggestion for new sources.

It may be appropriate to add a word of caution. Taxes are merely a means to an end. Reduction in the cost of local government will be accomplished through budget economies, rather than through shifting the bases of taxation. In addressing the United States Chamber of Commerce, in May, Dr. Fred R. Fairchild, of Yale, well said:

> . . . Whether it (the tax burden) is too heavy must depend upon what taxation is for.
>
> We need to be reminded that taxation is the means by which government obtains the funds necessary to pay governmental expenses; that is, to enable government to perform the functions which we ask of it. It is idle to complain about heavy taxation. If the legislature determines upon certain governmental enterprises, the people must raise by taxation the money to pay the cost, and complaint about the burden of taxation will be a waste of breath until shifted to the scrutiny of the expenditures of government.
>
> The only question is whether the things that government does for us are worth what they cost, and only by the answer to that question can we answer the question whether our tax bill is too heavy. Excessive taxation would rest upon two circumstances: first, that government expenditure is extravagant and wasteful; second, that the government is performing functions which are not worth to us what they cost.

As a partial remedy for the pressure of local taxation, Dr. Fairchild offers several definite suggestions. He would hold the citizens more responsible for their government, improve the tax collecting machinery, and, most important, abolish the taxation of intangible personal property.

Requests for tax rate data were sent to 280 cities of the United States and 19 Canadian cities having over 30,000 population. Replies adequate to use were received from all but 84 cities, and it is hoped that even those cities necessarily omitted will furnish the desired data in future compilations. It is appreciated that any value attaching to such a tabulation is due to the coöperation of a growing number of public officials.

COMPARATIVE TAX RATES FOR 215 CITIES OVER 30,000 FOR 1926

COMPILED BY THE DETROIT BUREAU OF GOVERNMENTAL RESEARCH, INC.

From Data Furnished by Members of the Governmental Research Conference, City Officials, and Chambers of Commerce

	Census July 1, 1926	Assessed valuation	Per cent		City fiscal year begins	Date of collection of city taxes	Tax rate per $1,000 of assessed valuation					Legal basis of assessment (per cent)	Adjusted tax rate to uniform 100% basis of assessment	Estimated ratio of assessed value to legal basis (per cent)	Final readjusted tax rate
			Realty	Personalty			City	School	County	State	Total				
Group I Population 500,000 and over															
1. New York, N. Y.[1]	5,924,000	$13,256,568,810	98	2	Jan. 1	June 1 Dec. 1	$19.59	$5.06	$0.90	$1.24	$26.79	100	$26.79	93	$24.87
2. Chicago, Ill.[2]	3,048,000	1,873,921,764	77	23	Jan. 1, '25	Jan. 2, '26	43.60	30.40	8.00	8.50	90.50	50	45.25	50	22.63
3. Philadelphia, Pa.[3]	2,008,000	3,967,810,352	77	23	Jan. 1	Jan. 1	17.50	9.50	....	....	27.00	100	27.00	90	24.30
4. Detroit, Mich.	1,346,500	3,160,412,150	81	19	July 1	July 15 Dec. 1	15.96	6.61	2.65	2.36	27.58	100	27.58	80	22.06
5. Los Angeles, Calif.[4]	1,222,500	1,467,282,935	84	16	July 1, '25	Oct. 20, '25 Jan. 20, '26	16.40	15.40	6.40	....	38.20	100	38.20	50	19.10
6. Cleveland, Ohio[5]	960,000	2,162,157,400	69	31	Jan. 1	Dec. 20, '25 June 20, '26	10.95	9.24	2.66	.25	23.10	100	23.10	75	17.33
7. St. Louis, Mo.	830,000	1,107,438,540	85	15	Apr. 14, '25	Nov. 1, '25	15.90	8.70	....	1.10	25.70	100	25.70	70	17.99
8. Baltimore, Md.[6]	808,000	1,657,986,372	61	39	Jan. 1	Jan. 1	18.55	6.25	....	2.73	27.53	100	27.53	85	23.40
9. Boston, Mass.	787,000	1,898,054,900	91	9	Jan. 1, '25	Sept. 15, '25	16.91	10.43	1.83	2.63	31.80	100	31.80	100	31.80
10. Pittsburgh, Pa.[7]	637,000	1,014,116,820	100	..	Jan. 1	Jan. 1	17.25	11.50	7.33	....	36.08	100	36.08	85	30.67
11. San Francisco, Calif.[8]	567,000	733,822,981	82	18	July 1, '25	Oct. 15, '25 Jan. 15, '26	32.38	8.92	....	....	41.30	100	41.30	50	20.65
12. Buffalo, N. Y.[9]	544,000	1,003,879,130	99	1	July 1	July 1 Dec. 1	18.38	10.12	6.60	....	35.10	100	35.10	67	23.52
13. Washington, D. C.[10]	528,000	1,484,388,608	61	39	July 1	Sept. 1	11.90	5.10	....	....	17.00	100	17.00	90	15.30
14. Milwaukee, Wis.	517,000	810,509,504	79	21	Jan. 1, '26	Dec. 15, '25	14.80	8.14	4.97	.08	27.99	100	27.99	92	25.75
Group II Population 300,000 to 500,000															
15. Newark, N. J.	459,000	771,916,873	80	20	Jan. 1	Apr. 15	18.41	8.42	5.15	4.42	36.40	100	36.40	100	36.40
16. Minneapolis, Minn.[11]	434,000	298,598,370	83	17	Jan. 1	May 31 Oct. 31	37.12	20.60	7.88	7.65	73.25	38	27.84	85	23.66
18. Seattle, Wash.[12]	411,578	251,831,921	80	20	Jan. 15	Mar. 15	37.14	14.32	13.45	9.42	74.33	50	37.17	70	26.02
19. Cincinnati, Ohio	411,000	1,018,498,100	72	28	Jan. 1	Dec. 20, '25 June 20, '26	9.83	6.33	4.75	.25	21.16	100	21.16	90	19.04
20. Kansas City, Mo.[13]	375,000	450,857,030	67	33	May 1	June 1	12.50	11.50	4.30	1.20	29.50	100	29.50	50	14.75
21. Indianapolis, Ind.	367,000	644,491,040	66	34	Jan. 1	May 1 Nov. 1	11.20	11.00	3.20	2.80	28.20	100	28.20	85	23.97
22. Rochester, N. Y.	321,000	499,780,027	100	..	Jan. 1	May 1	12.84	13.12	4.24	1.67	31.87	100	31.87	69	21.99
24. Louisville, Ky.[14]	311,000	346,500,000	79	21	Sept. 1, '25	Jan. 15, '26	14.80	6.00	4.00	3.00	27.80	100	27.80	80	22.24

Group III Population 100,000 to 300,000														
25. Toledo, Ohio[15]	294,000	559,679,710	70	30	Jan. 1	Dec. 1, '25 June 1, '26	9.60	8.35	3.80	.25	22.00	100	22.00	80	17.60
26. Columbus, Ohio	285,000	568,904,000	73	27	Jan. 1	Dec. 20, '25 June 20, '26	8.08	7.63	4.64	.25	20.60	100	20.60	80	16.48
27. Denver, Colo.	285,000	422,095,580	67	33	Jan. 1	Jan. 1	10.70	12.57	4.43	3.70	31.40	100	31.40	75	23.55
28. Portland, Oregon[16]	282,383	324,542,640	83	17	Dec. 1, '25	May 5, '26 Nov. 5, '26	17.30	10.30	7.70	7.30	42.60	100	42.60	60	25.56
29. Providence, R. I.[17]	275,900	458,435,010	78	22	Oct. 1	Oct. 1	15.16	6.37	....	1.47	23.00	100	23.00	100	23.00
30. Oakland, Calif.[18]	261,000	242,297,955	83	17	July 1	July 1	25.90	23.00	12.10	....	61.00	100	61.00	50	30.50
31. St. Paul, Minn.[19]	248,000	174,186,470	80	20	Jan. 1	Jan. 1	32.80	14.78	15.18	7.65	70.41	38	26.76	80	21.41
32. Atlanta, Ga.[20]	224,300	363,000,000	80	20	Jan. 1	May-July and Sept.	8.40	6.60	11.00	5.00	31.00	100	31.00	70	21.70
33. Omaha, Nebr.	215,400	337,617,466	87	13	Jan. 1	June 1	11.95	13.00	3.30	1.80	30.05	100	30.05	65	19.53
34. Birmingham, Ala.	211,000	193,004,518	80	20	Oct. 1, '25	Oct. 1, '25	11.50	6.50	11.50	6.50	36.00	60	21.60	60	12.96
35. Akron, Ohio	208,435	320,763,870	66	34	Jan. 1	Dec. 20, '25 June 20, '26	10.30	10.42	3.83	.25	24.80	100	24.80	65	16.12
36. San Antonio, Texas	205,000	191,134,040	76	24	June 1, '25	Apr. 1, '26	25.90	8.50	6.50	8.70	49.60	50	24.80	75	18.60
38. Worcester, Mass.	193,000	323,182,000	87	13	Dec. 1, '25	Oct. 10, '25	18.49	8.09	1.18	1.64	29.40	100	29.40	85	24.99
39. Richmond, Va.[21]	189,000	256,500,000	89	11	Feb. 1	June 1 Dec. 1	13.50	7.50	....	2.50	23.50	100	23.50	67	15.75
40. Syracuse, N. Y.[22]	184,000	268,728,768	100	..	Jan. 1	May 1	26.79	....	7.86	....	34.65	100	34.65	66	22.87
41. New Haven, Conn.	182,000	303,122,120	85	15	Jan. 1	Feb. 1 Aug. 1	14.00	10.00	.33	.67	25.00	100	25.00	100	25.00
42. Dayton, Ohio[23]	177,000	332,714,250	74	26	Jan. 1	Dec. 1, '25 June 1, '26	9.68	8.81	3.66	.25	22.40	100	22.40	80	17.92
43. Memphis, Tenn.	177,000	236,987,795	85	15	Jan. 1	July 1	16.00	6.00	9.50	2.50	34.00	100	34.00	75	25.50
44. Norfolk, Va.	174,000	155,263,980	94	6	Jan. 1	July 1	17.90	9.60	....	2.50	30.00	100	30.00	67	21.10
47. Hartford, Conn.[24]	164,000	318,976,281	90	10	Apr. 1	July 1	7.87	11.31	.28	.80	20.26	100	20.26	80	16.21
48. Fort Worth, Texas	159,000	170,000,000	71	29	Oct. 1, '25	Oct. 1, '25	25.60	10.00	9.00	6.50	51.10	100	51.10	55	28.10
49. Grand Rapids, Mich.	156,000	239,817,894	70	30	May 1	July 1 Dec. 1	10.93	13.03	3.48	2.87	30.31	100	30.31	80	24.25
50. Bridgeport, Conn.	155,000	252,423,690	75	25	Apr. 1	Apr. 1 Sept. 1	18.96	7.18	1.26	....	27.40	100	27.40	80	21.92
51. Des Moines, Iowa	146,000	188,023,860	75	25	Apr. 1	Mar. Sept.	12.97	15.81	6.72	2.50	38.00	100	38.00	75	28.50
52. Springfield, Mass.	145,000	289,226,200	88	12	Dec. 1, '25	Nov. 1, '25	15.34	10.22	1.23	1.61	28.40	100	28.40	80	22.72
54. Scranton, Pa.[7]	143,000	122,197,950	100	..	Jan. 1	Jan., Apr., July, Oct.	17.92	18.00	10.00	....	45.92	100	45.92	75	33.54
55. Flint, Mich.	137,000	164,294,100	77	23	Mar. 1	July 1 Dec. 1	13.98	13.09	6.11	2.82	36.00	100	36.00	70	25.20
56. Nashville, Tenn.	137,000	162,398,494	75	25	Jan. 1	Aug. 1	15.90	1.60	10.00	....	27.50	100	27.50	75	20.63
57. Oklahoma City, Okla.	135,000	117,640,900	80	20	July 1, '25	Jan. 1, '26	17.17	17.77	8.23	2.50	45.67	100	45.67	45	20.55
59. Salt Lake City, Utah	133,000	187,203,828	73	27	Jan. 1	Sept. 18	11.30	13.60	4.75	2.65	32.30	100	32.30	100	32.30
60. Tulsa, Okla.	133,000	103,642,365	80	20	July 1, '25	Nov. 1, '25 June 15, '26	20.70	17.50	9.80	2.50	50.50	100	50.50	50	25.25
61. Camden, N. J.	131,000	176,132,820	84	16	Jan. 1	June 1 Dec. 1	12.57	7.87	4.19	4.37	29.00	100	29.00	75	21.75
63. Wilmington, Del.	124,000	124,866,250	100	..	July 1	July	15.60	3.40	.75	.25	20.00	100	20.00	80	16.00
64. Cambridge, Mass.[25]	122,000	173,547,500	88	12	Apr. 1	Oct. 15	18.86	9.00	1.47	3.97	33.30	100	33.30	100	33.30
65. Erie, Pa.	120,000	132,637,145	96	4	Jan.	Mar. 1	12.20	14.00	7.00	....	33.20	100	33.20	75	24.90
66. New Bedford, Mass.	119,539	222,489,125	65	35	Dec. 1, '25	Oct. 15, '26	15.88	8.66	1.23	2.03	27.80	100	27.80	80	22.24
67. Albany, N. Y.	119,000	158,252,803	100	..	Jan. 1	Jan. 1	20.75	6.06	7.30	....	34.11	100	34.11	79	26.95
68. Kansas City, Kan.	117,000	138,739,850	78	22	Jan. 1	Nov. 1, '25 June 1, '26	11.47	16.00	4.50	2.60	34.57	100	34.57	50	17.29

COMPARATIVE TAX RATES FOR 215 CITIES OVER 30,000 FOR 1926—*Continued*

	Census July 1, 1926	Assessed valuation	Per cent		City fiscal year begins	Date of collection of city taxes	Tax rate per $1,000 of assessed valuation					Legal basis of assessment (per cent)	Adjusted tax rate to uniform 100% basis of assessment	Estimated ratio of assessed value to legal basis (per cent)	Final readjusted tax rate
			Realty	Personalty			City	School	County	State	Total				
69. Yonkers, N. Y.	116,000	$245,819,358	100	..	Jan. 1	Apr. 13	$16.72	$11.83	$6.67	....	$35.22	100	$35.22	87	$30.64
70. Reading, Pa.	114,000	106,000,000	100	..	Jan. 1	Mar. 1	13.00	13.00	4.00	....	30.00	100	30.00	50	15.00
71. Duluth, Minn.	113,000	81,126,239	74	26	Jan. 1	Jan. 1	24.11	27.18	10.56	$7.65	69.50	38	26.41	80	21.12
72. Lowell, Mass.	110,296	145,404,663	88	12	Jan. 1, '25	Oct. 15, '25	21.41	7.57	1.21	1.61	31.80	100	31.80	100	31.80
73. Canton, Ohio	110,000	220,570,000	70	30	Jan. 1	Dec. '25 June '26	8.83	12.05	3.70	.25	24.83	100	24.83	90	22.35
74. San Diego, Calif.	110,000	126,259,228	86	14	Jan. 1	June	22.40	8.80	23.70	....	54.90	100	54.90	50	27.45
76. Spokane, Wash.	109,000	87,537,829	75	25	Jan. 1	Feb.	19.00	12.76	10.68	10.36	52.80	50	26.40	84	22.18
77. Elizabeth, N. J.	107,000	138,564,126	90	10	Jan. 1	June 1 Dec. 1	14.07	8.88	4.27	4.58	31.80	100	31.80	100	31.80
78. Tacoma, Wash.[26]	106,000	60,070,347	78	22	Jan. 1	Feb. 15	26.73	14.50	20.58	10.35	72.16	50	36.08	100	36.08
79. Lynn, Mass.	104,000	119,821,665	85	15	Jan. 1, '25	Nov. 1, '25	21.78	9.50	1.79	2.73	35.80	100	35.80	100	35.80
80. Utica, N. Y.	103,000	125,969,053	95	5	Jan. 1	Aug. 1	15.65	10.34	8.37	....	34.36	100	34.36	70	24.05
82. Somerville, Mass.	100,000	109,262,400	92	8	Jan. 1, '25	Oct. 15, '25	15.40	7.52	1.08	3.40	27.40	100	27.40	75	20.55
Group IV Population 50,000 to 100,000															
83. Fort Wayne, Ind.	99,900	228,000,000	75	25	Jan. 1	May, Nov.	6.14	8.60	2.86	2.40	20.00	100	20.00	85	17.00
85. Long Beach, Calif.	97,700	168,859,180	88	12	July 1, '25	Oct. 15, '25 Jan. 15, '26	14.00	18.90	7.50	....	40.40	100	40.40	50	20.20
88. Savannah, Ga.	94,900	76,744,373	75	25	Jan. 1	Apr., July Oct., Jan.	19.00	5.00	12.50	5.00	41.50	...	41.50	60	24.90
89. Allentown, Pa.	94,600	77,880,055	100	..	Jan. 1	Mar. 1	11.40	15.00	3.00	....	29.40	100	29.40	50	14.70
90. Lawrence, Mass.	93,500	130,131,400	73	27	Jan. 1, '25	Oct. 1, '25	15.58	9.59	2.06	2.37	29.60	100	29.60	100	29.60
92. Wichita, Kan.	92,500	122,938,797	79	21	Oct. 15, '25	Nov. 1, '25 June 1, '26	8.50	16.00	3.22	2.68	30.40	100	30.40	65	19.76
94. Bayonne, N. J.[22]	91,000	155,250,762	74	26	Jan. 1	May 1	27.33	....	7.26	4.45	39.40	100	39.40	60	23.42
95. Hamtramck, Mich.	87,800	122,097,933	64	36	July 1	July 15	12.58	9.60	2.48	2.11	26.77	100	26.77	75	22.08
96. Harrisburg, Pa.	84,600	83,470,600	100	..	Jan. 2	Mar. 1	13.00	18.50	6.00	....	37.50	100	37.50	50	18.75
97. Manchester, N. H.	84,000	121,275,956	62	38	Apr. 1	Apr. 1	14.90	6.50	2.70	1.90	26.00	100	26.00	100	26.00
98. Peoria, Ill.	82,500	43,523,680	70	30	Jan. 1	Jan. 1	29.17	27.50	8.33	8.50	73.50	50	36.75	50	18.38
99. South Bend, Ind.	81,700	180,000,000	67	33	Jan. 1	May 1 Nov. 1	7.95	10.75	4.00	2.50	25.20	100	25.20	67	16.88
102. St. Joseph, Mo.	78,400	81,584,950	64	36	Apr. 19	May 5	12.50	12.25	7.75	1.00	33.50	100	33.50	60	20.10
103. Wilkes-Barre, Pa.	78,300	100,000,000	95	5	Jan.	Mar. 1	14.70	15.00	6.90	....	36.60	100	36.60	75	27.45
104. Sioux City, Iowa	78,000	24,480,000	80	20	Apr. 1	Jan. 1	47.00	63.50	19.50	10.00	140.00	25	35.00	65	22.75
105. Highland Park, Mich.	77,000	203,625,000	46	54	July 1	July 15	9.40	8.00	2.53	....	22.28	100	22.28	80	17.82
107. Little Rock, Ark.	75,900	58,859,904	75	25	Jan. 1	Jan. 1 Apr. 10	7.67	12.00	8.75	8.70	37.12	50	18.56	60	11.14
108. Charleston, S. C.	74,100	24,302,459	71	29	Jan. 1	May 15 July 15	58.75	20.00	19.50	5.25	103.50	42	43.47	71	30.86
109. Sacramento, Calif.	73,400	95,244,900	86	14	Jan. 1, '26	Oct. 15, '25	17.40	24.55	7.25	....	49.20	100	49.20	72	35.42
110. Saginaw, Mich.	73,300	91,216,169	77	23	July 1	July 1	14.31	12.81	6.78	2.79	36.69	100	36.69	100	36.69
111. Lansing, Mich.	73,200	146,299,075	75	25	May 1	July 15	12.20	9.50	3.23	2.58	27.51	100	27.51	80	22.01

112. Binghamton, N. Y.	72,900	114,467,330	100	..	Jan. 1	Jan. 1 July 1	16.04	7.82	5.95	....	29.81	100	29.81	75	22.36
118. Winston-Salem, N. C.	71,800	130,000,000	45	55	June 1	Mar. 1	6.00	4.00	5.50	....	15.50	100	15.50	75	11.63
119. Hoboken, N. J.	71,000	100,089,371	92	8	Jan. 1	Apr. 1 Dec. 1	23.98	10.70	7.42	4.36	46.46	100	46.46	75	34.85
121. Chester, Pa.	70,400	66,136,943	100	..	Jan. 4	Feb. 15	9.00	12.00	4.10	....	25.10	100	25.10	70	17.57
122. Springfield, Ohio	70,200	96,856,670	72	28	Jan. 1, '26	Dec. 20, '25 June 20, '26	7.10	10.25	3.80	.25	21.40	100	21.40	75	16.05
124. New Britain, Conn.	69,600	105,646,026	80	20	Apr. 1	July 1	13.81	8.97	.97	....	23.75	100	23.75	84	19.95
125. Racine, Wis.	69,400	87,998,720	80	20	Jan. 1	Jan. 1	6.65	11.19	4.66	....	22.50	100	22.50	75	16.88
126. Passaic, N. J.	69,000	98,766,385	68	32	Jan. 1	June 1 Dec. 1	19.29	7.05	3.76	4.72	34.82	100	34.82	80	27.86
127. Wheeling, W. Va.[37]	68,662	117,281,376	74	26	July 1, '25	Nov. 1, '25	8.69	11.40	5.00	1.40	26.49	100	26.49	70	18.54
128. Berkeley, Calif.	67,800	84,088,875	93	7	July 1, '25	Oct. 20, '25	18.10	15.90	18.80	....	52.80	100	52.80	60	31.68
129. Altoona, Pa.	67,000	66,685,185	100	..	Jan. 1	Mar. 1	7.50	12.00	7.50	....	27.00	100	27.00	60	16.20
132. Brockton, Mass.	65,343	72,600,125	84	16	Dec. 1, '25	Nov. 1, '25	25.90	9.87	1.71	1.52	39.00	100	39.00	80	31.20
134. Springfield, Ill.	64,700	29,656,106	70	30	Mar. 1, '25	Jan. 1, '26	41.40	31.70	7.60	8.50	89.20	50	44.60	50	22.30
135. Bethlehem, Pa.	64,400	64,718,804	93	6	Jan.	Mar. 1	12.00	13.00	5.00	....	30.00	100	30.00	75	22.50
137. Quincy, Mass.	63,000	121,910,900	88	12	Jan. 1, '25	Oct. 1, '25	17.99	6.39	.90	2.32	27.60	100	27.60	100	27.60
138. Lincoln, Nebr.	62,000	109,097,107	75	25	Sept. 1, '25	Oct. 1, '25	6.75	15.00	2.53	1.80	26.80	100	26.80	80	21.44
139. Roanoke, Va.	61,900	77,964,901	60	40	Jan. 1, '25	Nov. 1, '25	15.75	6.75	....	2.50	25.00	100	25.00	50	12.50
140. East Orange, N. J.	61,700	105,704,372	88	12	Jan. 1	June 1 Dec. 1	15.13	10.14	5.08	2.05	32.40	100	32.40	67	21.71
141. Holyoke, Mass.	60,400	117,032,360	79	21	Dec. 1, '25	Nov. 1, '25	14.58	5.22	1.39	1.81	23.00	100	23.00	100	23.00
142. Fresno, Calif.	60,200	49,444,437	80	20	July 1, '25	Oct. 1, '25 Jan. 1, '26	23.91	14.50	17.70	....	56.11	100	56.11	50	28.06
143. Portsmouth, Va.	59,900	44,707,764	80	20	Jan. 1, '25	Nov. 1, '25	12.50	10.00	....	2.50	25.00	100	25.00	70	17.50
144. Jackson, Mich.	59,700	83,197,743	80	20	Jan. 1	July 1	9.78	7.31	5.96	2.80	25.85	100	25.85	80	20.68
145. Lakewood, Ohio	59,500	142,251,360	89	11	Jan. 1	Dec. 1, '25 June 1, '26	7.12	11.26	2.67	.25	21.30	100	21.30	50	10.65
146. Shreveport, La.	59,500	108,187,150	64	36	Jan. 1, '25	Nov. 1, '25	10.00	5.00	8.50	5.75	29.25	100	29.25	60	17.55
147. Macon, Ga.	59,200	50,150,000	80	20	Jan. 1	Apr. 15 Aug. 15 Dec. 15	15.00	7.19	12.31	5.00	39.50	100	39.50	67	26.47
149. Pasadena, Calif.	58,400	146,031,415	82	18	July 1, '25	Oct. 12, '25	12.80	20.10	7.40	....	40.30	100	40.30	75	30.23
150. Niagara Falls, N. Y.	58,300	121,710,766	100	..	Jan. 1, '25	Oct. 1, '25	9.26	10.64	5.42	....	25.32	100	25.32	100	25.32
151. Wichita Falls, Texas	58,026	40,028,320	76	24	Apr. 1, '25	Oct. 1, '25	21.00	10.00	7.00	7.70	45.70	100	45.70	67	31.62
152. Lancaster, Pa.	57,100	38,500,000	100	..	Jan. 1	Mar. June	10.00	18.50	2.50	....	31.00	100	31.00	33	10.23
153. Topeka, Kan.	56,500	83,175,952	75	25	Jan. 1, '26	Dec. 1, '25 June 1, '26	12.03	12.50	5.09	2.68	32.30	100	32.30	80	25.84
154. Augusta, Ga.	55,700	51,612,620	65	35	Jan. 1	Apr. 1 July 1 Oct. 1	18.00	13.00	8.00	5.00	44.00	None	44.00	50	22.00
158. Kalamazoo, Mich.	54,500	75,337,691	73	27	Jan. 1	July 1	11.00	12.84	5.96	2.85	32.65	100	32.65	80	26.12
159. Atlantic City, N. J.	53,800	305,324,238	96	4	Jan. 1	June 11 Dec. 1	12.40	4.81	3.56	3.83	24.60	100	24.60	100	24.60
160. Oak Park, Ill.	53,500	21,499,514	82	18	Jan. 1, '25	Jan. 1, '26	34.80	66.90	8.00	8.50	118.20	50	59.10	50	29.55
161. Kenosha, Wis.	52,700	63,694,120	66	34	Jan. 1	Jan. 1	10.56	11.19	4.47	3.78	30.00	100	30.00	62	18.60
162. Beaumont, Texas	52,500	51,366,280	79	21	July 1, '25	Oct. 1, '25	13.80	8.70	9.40	7.70	39.60	100	39.60	75	29.70
163. Davenport, Iowa	52,469	65,721,800	86	14	Apr. 1	Sept. 1	13.50	14.77	6.78	2.50	37.55	100	37.55	55	20.65
164. Malden, Mass.	52,400	62,772,650	86	14	Jan. 1	Oct. 1	17.45	9.51	1.36	3.08	31.40	100	31.40	100	31.40
165. Hammond, Ind.	52,300	78,262,025	63	37	Jan. 1	Apr., Oct.	9.60	13.70	5.00	2.80	31.10	100	31.10	60	18.66
166. Cedar Rapids, Iowa	52,100	60,277,063	84	16	Apr. 1	Mar., Sept.	11.88	20.20	5.40	2.50	39.98	100	39.98	50	19.99
170. New Castle, Pa.	50,700	57,851,890	93	7	Jan.	Mar. 1	9.75	13.00	8.00	....	30.75	100	30.75	65	19.99

COMPARATIVE TAX RATES FOR 215 CITIES OVER 30,000 FOR 1926—*Continued*

	Census July 1, 1926	Assessed valuation	Per cent		City fiscal year begins	Date of collection of city taxes	Tax rate per $1,000 of assessed valuation					Legal basis of assessment (per cent)	Adjusted tax rate to uniform 100% basis of assessment	Estimated ratio of assessed value to legal basis (per cent)	Final readjusted tax rate
			Realty	Personalty			City	School	County	State	Total				
Group V Population 30,000 to 50,000															
171. Pontiac, Mich.	49,800	$54,580,345	77	23	Jan. 1	July 1 Dec. 1	$18.65	$18.91	$8.28	$2.66	$48.50	100	$48.50	75	$36.38
172. Medford, Mass.	49,700	65,377,800	87	13	Jan. 1, '25	Nov. 1, '25	17.98	12.13	1.32	1.57	33.00	100	33.00	90	29.70
174. York, Pa.	49,400	48,628,125	98	2	Jan. 1	Mar. 1	10.00	14.00	10.00	....	34.00	100	34.00	60	20.40
175. Haverhill, Mass.	49,232	66,218,100	84	16	Jan. 1, '25	Sept. 15, '25	19.44	8.01	1.40	1.55	30.40	100	30.40	100	30.40
176. Bay City, Mich.	49,200	48,197,345	78	22	July 1	Aug. 1 Dec. 1	14.01	14.80	5.24	2.36	36.41	100	36.41	100	36.41
177. Galveston, Texas	49,100	57,142,449	76	24	July 1	Sept. 1	19.10	4.00	....	....	23.10	100	23.10	75	17.33
179. Newport News, Va.	48,800	36,446,967	76	24	Jan. 1, '25	Nov. 1, '25	16.50	11.50	....	2.50	30.50	100	30.50	60	18.30
180. Greensboro, N. C.[23]	48,700	89,200,000	54	46	May 31	Sept. 1	8.40	....	....	....	.....	100	....	75	....
182. Chelsea, Mass.	48,200	52,701,950	85	15	Jan. 1, '25	Sept. 15, '25	21.55	13.52	....	3.73	38.80	100	38.80	100	38.80
184. Pittsfield, Mass.	48,100	56,239,845	85	15	Jan. 1, '25	Oct. 15, '25	19.11	9.07	2.25	2.07	32.50	100	32.50	80	26.00
185. Lima, Ohio	47,700	81,304,650	75	25	Jan. 1, '26	Dec. 1, '25 June 1, '26	9.42	10.29	4.24	.25	24.20	100	24.20	80	19.36
187. Lexington, Ky.	47,500	50,318,700	82	18	Jan. 1	June 1 Oct. 1	16.80	7.00	8.00	....	31.80	100	31.80	80	25.44
192. Columbus, Ga.	45,000	41,870,940	72	28	Jan. 1	Aug. 1	12.00	6.00	8.00	5.00	31.00	100	31.00	57	17.67
193. Waco, Texas	44,800	58,000,000	72	28	Oct. 1, '25	Oct. 1, '25	16.40	6.50	5.60	7.70	36.20	100	36.20	60	21.72
194. Jamestown, N. Y.	44,300	59,012,750	100	..	Jan. 1, '25	Jan. 1	7.69	13.39	8.07	....	29.15	100	29.15	60	17.49
195. Muskegon, Mich.	44,300	60,234,420	74	26	Jan. 1, '26	Dec. 1, '25	13.22	11.62	6.70	2.20	33.74	100	33.74	96	32.39
196. Fitchburg, Mass.[22]	44,200	62,572,050	73	27	Dec. 1, '25	Apr. 1, '26	24.34	....	1.38	1.88	27.60	100	27.60	90	24.84
198. Brookline, Mass.	43,900	136,797,100	87	13	Jan. 1	Sept. 1	12.80	3.63	.82	1.95	19.20	100	19.20	100	19.20
199. Durham, N. C.	43,900	70,950,773	60	40	June 1	Oct. 1	11.00	8.50	4.50	....	24.00	100	24.00	75	18.00
200. Pueblo, Colo.	43,900	35,972,410	71	29	Jan. 1	Jan. 1	23.80	15.00	9.75	3.70	52.25	100	52.25	90	47.03
202. Battle Creek, Mich.	43,500	54,785,990	74	26	July 1	July 19	10.00	14.00	5.07	3.22	32.40	100	32.40	75	24.30
203. Chicopee, Mass.	43,200	50,037,350	77	23	Dec. 1, '24	Oct. 15, '25	15.44	10.23	1.62	2.21	29.50	100	29.50	100	29.50
207. Salem, Mass.[22]	42,900	54,273,460	80	20	Jan. 1	Sept. 1	29.90	....	1.30	1.30	32.50	100	32.50	100	32.50
209. Springfield, Mo.	42,600	38,525,945	69	31	July 1	Sept. 1	10.00	13.00	5.30	1.10	29.40	100	29.40	70	20.58
210. Everett, Mass.	42,500	60,097,000	83	17	Jan. 1, '25	Oct. 1, '25	19.56	9.36	1.03	1.25	31.20	100	31.20	90	28.08
213. Dubuque, Iowa	41,600	45,877,116	86	14	Apr. 1	Jan. 1	55.00	52.20	29.80	10.00	147.00	100	147.00	25	36.75
214. Joliet, Ill.	41,000	14,098,966	74	26	Jan. 1	June 1	27.20	55.00	14.10	6.50	102.80	50	51.40	35	17.99
215. Rock Island, Ill.	41,000	12,056,116	70	30	Apr. 1	Mar. 1	25.50	40.00	12.20	8.50	86.20	50	43.10	60	25.86
223. New Brunswick, N. J.	38,900	38,434,405	90	10	Jan. 1	June 1 Dec. 1	19.20	15.20	8.90	2.10	45.40	100	45.40	100	45.40
224. Phoenix, Ariz.	38,669	49,450,915	70	30	July 1, '25	Oct. 1, '25	11.80	12.30	14.40	7.80	46.30	60	27.78	50	13.89
227. Wilmington, N. C.	37,700	46,445,655	93	7	June 1, '25	Oct. 1, '25	10.00	7.00	6.00	....	23.00	100	23.00	90	20.70
229. Ogden, Utah	37,600	39,316,474	75	25	Jan. 1, '25	Oct. 1, '25	11.00	16.50	5.33	3.07	35.90	100	35.90	75	26.93
231. Easton, Pa.	37,400	38,197,263	100	..	Jan. 1	Jan. 1	13.50	17.00	5.00	....	35.50	100	35.50	50	17.75
233. Hazleton, Pa.	36,800	27,844,004	93	7	Jan. 4	Apr. 1	13.00	21.00	12.57	....	46.57	100	46.57	40	18.63
234. Meriden, Conn.	36,600	47,813,365	83	17	Jan. 1	May 4 Nov. 4	16.41	12.00	.36	.73	29.50	100	29.50	65	19.18

235. Petersburg, Va.	36,400	42,806,612	61	39	July 1	July 1	18.35	4.15	....	2.50	25.00	100	25.00	71	17.75
236. Colorado Springs, Colo.	36,000	41,074,280	83	17	Jan. 1	Jan. 1 July 1	14.20	14.50	8.63	3.70	41.03	100	41.03	80	32.82
237. Orange, N. J.	35,800	39,781,866	88	12	Jan. 1	June 1 Dec. 1	16.69	10.62	5.08	4.41	36.80	100	36.80	80	29.44
238. Poughkeepsie, N. Y.	35,800	44,749,441	100	..	Jan. 1	Feb. 15	16.84	9.07	7.32	....	33.23	100	33.23	80	26.58
240. Auburn, N. Y.	35,677	28,316,492	100	..	July 1	July 1	20.20	11.25	8.89	2.06	42.40	100	42.40	68	28.83
241. Amsterdam, N. Y.	35,600	30,779,000	100	..	Jan. 1	Aug. 1	10.29	19.36	10.86	....	40.51	100	40.51	60	24.31
242. Lewiston, Me.	35,500	32,389,587	83	17	Mar. 1	Aug. 20	17.85	5.18	2.09	6.88	32.00	100	32.00	67	21.44
243. Norristown, Pa.	35,300	24,378,410	100	..	Jan. 1	July 1	10.00	19.00	3.00	....	32.00	100	32.00	30	9.60
244. Green Bay, Wis.	34,900	51,390,400	76	24	Jan. 1, '26	Dec. 15, '25 Mar. 1, '26	9.80	9.89	6.31	....	26.50	100	26.50	75	19.88
245. Clifton, N. J.	34,742	40,266,969	80	20	Jan. 1	June 1 Dec. 1	9.57	15.39	3.81	4.73	33.50	100	33.50	100	33.50
247. Moline, Ill.	34,500	12,030,106	68	32	Apr. 1, '24	Feb. 1. '25	29.10	40.00	12.00	6.50	87.60	50	43.80	50	21.90
248. Cranston, R. I.	34,471	41,243,180	80	20	Apr. 15, '25	Oct 15, '25	10.18	9.98	....	1.34	21.50	100	21.50	65	12.90
253. Revere, Mass.	33,261	39,112,800	90	10	Jan. 1, '25	Oct. 1, '25	23.61	13.15	....	4.04	40.80	100	40.80	80	32.64
255. Irvington, N. J.	33,186	51,658,645	88	12	May 2	June 1 Dec. 1	11.53	11.40	7.80	1.67	32.40	100	32.40	100	32.40
256. Watertown, N. Y.	33,100	44,108,652	100	..	July 1	July 1	14.90	9,80	7.17	1.83	33.70	100	33.70	80	26.96
259. Muskogee, Okla.	32,500	30,158,507	80	20	July 1, '25	Dec. 1, '25 June 1, '26	15.96	14.89	9.50	2.50	42.85	100	42.85	60	25.71
261. Alameda, Calif.	31,876	29,827,196	..	..	July 1, '25	Oct. 15, '25	21.80	27.40	....	....	49.20	100	49.20	50	24.60
263. Plainfield, N. J.	31,748	51,385,317	86	14	Jan. 1	June 1 Dec. 1	13.47	12.55	4.23	4.55	34.80	100	34.80	100	34.80
265. Port Arthur, Texas	31,513	29,414,300	77	23	Apr. 1, '25	Oct. 1, '25	15.60	5.00	7.20	6.50	34.30	100	34.30	70	24.01
266 Asheville, N. C.	31,474	85,152,540	90	10	Sept. 1	Sept. 1	8.80	3.60	10.50	....	22.90	100	22.90	60	13.74
268. Kearny, N. J.	31,291	63,437,012	74	26	Jan. 1	June 1 Dec. 1	14.10	7.74	7,22	4.46	33.52	100	33.52	60	20.11
269. Middletown, Ohio	30,823	78,688,930	74	26	Jan. 1, '26	Dec., '25 June, '26	4.53	6.27	2.95	.25	14.00	100	14.00	75	10.50
270. Lynchburg, Va.	30,500	54,883,730	53	47	Feb. 1, '25	Sept. 15, '25	11.00	10.00	....	2.50	23.50	100	23.50	50	11.75
271. Richmond, Ind.	30,495	39,495,933	75	25	Jan. 1	May 1 Nov. 1	10.40	12.40	6.10	2.30	31.20	100	31.20	50	15.60
272. Newark, Ohio	30,461	41,725,250	64	36	Jan. 1, '26	Dec. 20, '25 June 20, '26	6.48	9.12	4.25	.25	20.10	100	20.10	80	16.08
273. Zanesville, Ohio	30,442	39,829,060	67	33	Jan. 1, '26	Dec. 1, '25 June 1, '26	6.90	10.75	7.10	.25	25.00	100	25.00	80	20.00
274. Bloomington, Ill.	30,421	14,300,000	76	24	May 1, '25	Feb. 1, '26	31.03	27.50	6,50	8.50	73.53	50	36.77	50	18.39
275. Clarksburg, W. Va.	30,402	53,000,000	67	33	July 1, '25	Nov. 1, '25	7.00	8.60	4.00	1.40	21.00	100	21.00	80	16.80
279. Rome, N. Y.	30,328	22,512,120	100	..	Jan. 1	Jan. 1 July 1	9.89	15.60	5.88	1.69	33.06	100	33.06	100	33.06
280. Sioux Falls, S. D.	30,127	40,957,269	81	19	Jan. 1	Mar 1 Oct. 1	12.71	17.58	4.17	2.73	37.19	100	37.19	70	26.03

COMPARATIVE TAX RATES FOR 215 CITIES OVER 30,000 FOR 1926—*Continued*

	Census Jan. 1, 1926	Assessed valuation	Per cent		City fiscal year begins	Date of collection of city taxes	Tax rate per $1,000 of assessed valuation					Legal basis of assessment (per cent)	Adjusted tax rate to uniform 100% basis of assessment	Estimated ratio of assessed value to legal basis (per cent)	Final readjusted tax rate
			Realty	Personalty			City	School	County	State	Total				
Canadian Cities															
1. Montreal, Que.[29]	942,875	$791,158,041	100	..	Jan. 1	May 1 Oct. 1	$14.00	$9.50	....	....	$23.50	100	$23.50	75	$17.63
2. Toronto, Ont.[30]	556,691	818,397,698	100	..	Jan. 1	May 4 July 5 Sept. 4	19.90	9.70	....	....	29.60	100	29.60	75	22.20
3. Winnipeg, Man.	197,125	232,667,970	100	..	Jan. 1	June 15	15.45	12.55	....	....	28.00	100	28.00	80	22.40
4. Vancouver, B. C.[31]	128,366	215,302,315	100	..	Jan. 1	Aug. 3	19.74	8.76	....	....	28.50	100	28.50	100	28.50
5. Quebec, Que.[32]	124,341	99,181,434	100	..	May 1, '25	Nov. 1, '25	19.60	9.50	....	....	29.10	100	29.10	80	23.28
6. Hamilton, Ont.[33]	122,495	151,811,138	100	..	Jan. 1	Sept. 1	20.94	12.31	....	....	33.25	100	33.25	100	33.25
7. Ottawa, Ont.[34]	118,697	142,155,312	100	..	Jan. 1	May 18 Nov. 18	20.05	11.05	....	....	31.10	100	31.10	67	20.84
9. Edmonton, Alb.[35]	65,378	58,840,235	100	..	Jan. 1	Apr., July Oct., Dec.	23.35	21.00	....	....	44.35	100	44.35	80	35.48
10. London, Ont.[33]	64,274	72,406,293	100	..	Jan. 1	June 15 Aug., Oct.	20.45	13.80	....	....	34.25	100	34.25	80	27.40
11. Halifax, N. S.[36]	57,564	55,797,930	100	..	May 1	July 31	21.50	10.00	$0.90	....	32.40	100	32.40	100	32.40
12. Windsor, Ont.[34]	56,433	64,703,117	100	..	Jan. 1	June 15 Oct. 15	18.04	16.57	0.39	....	35.00	100	35.00	60	21.00
13. St. John, N. B.	55,000	51,475,600	100	..	Jan. 1	July 22	14.02	11.65	7.93	....	33.60	100	33.60	100	33.60
14. Regina, Sask.[37]	40,000	38,548,979	100	..	Jan. 1	June 30 Dec. 31	21.52	17.25	....	$2.23	41.00	100	41.00	67	27.47
15. S. Vancouver, B. C.	40,000	23,018,030	100	..	Jan. 1	Jan. 1	24.50	25.50	....	....	50.00	100	50.00	75	37.50
16. Victoria, B. C.[38]	40,000	52,709,873	100	..	Jan. 1	Aug. 15	27.42	11.58	....	....	39.00	100	39.00	67	26.13
19. Saskatoon, Sask.[39]	30,000	28,031,966	100	..	Jan. 1	July 31	21.37	23.63	....	....	45.00	100	45.00	80	36.00

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[1] *New York City.* The assessed valuation given is exclusive of $895,702,700 of dwellings exempted from local taxation until 1932 but assessed for state tax. The official computation gives a single rate for city, school and county purposes; the county rate is computed as the ratio of the total budget appropriation for counties to total assessed valuation; the rates for city and schools are in proportion to appropriations. In addition to the rate given, levies are made on the several boroughs and city at large for local improvements, ranging from 29 cents to 54 cents. The ratio of assessed to true value is upon the State equalization of 1925.

[2] *Chicago.* The city rate includes sanitary district, forest preserve district and South Park district rates; the rate given is for South Park district (central business district and greater part of South Side). Rates in other parts of the city are slightly higher because of variations in the park rate.

[3] *Philadelphia.* The city rate includes the cost of county government, which is consolidated with the city. The rates given are on city realty, comprising 95 per cent of all realty; suburban realty (4 per cent of all realty) is taxed at two-thirds, and farm realty (1 per cent) at one-half, of the rate on city realty—except that property in poor districts (having local poor taxes) is further relieved of such poor levies. There is a 4-mill tax on horses and cattle, money at interest and vehicles to hire, comprising the personalty valuation. In all, there are eighteen different total tax rates on real estate, fixed by seven tax-levying bodies. There is no state tax on real estate in Pennsylvania.

[4] *Los Angeles.* The population is a local estimate. The city rate includes flood control rate of $1. There is no state tax on real estate in California.

[5] *Cleveland.* The school rate, for all Ohio cities, includes a state rate for schools of $2.65, which is collected by the county and distributed to the school districts.

[6] *Baltimore.* There is no county rate. There are several rates applied to nine bases of valuation—at full rate ($24.80), $810,768,783 (one-third of the area of the city), at 74 per cent of full rate, $222,413,413 (new additional area), at two-thirds of full rate, $64,196,585 (suburban area); at one-third of full rate $48,738,230 (rural area). There are five bases of rates on assessed valuation of bank and trust company shares, securities and deposits, $511,869,361. Personal property of manufacturers is exempt from taxation.

[7] *Pittsburgh, Scranton.* The city rate upon improvements is one-half the rate upon land, the rate shown being the weighted average of the two rates. Machinery is exempt from taxation.

[8] *San Francisco.* The city rate includes the county, which is consolidated with the city. The assessed valuation reported does not include $316,911,913 "operative property" taxed by the state only.

[9] *Buffalo.* The county rate includes state (separation not available).

[10] *Washington.* Appropriations for the District of Columbia are made by Congress, a lump sum of $9,000,000 thereof being paid by the Federal Treasury. The rate given is for realty and tangible personalty, intangible personalty, $137,085,808, is taxed at one-half of one per cent. Banks, trust companies, and public service corporations are taxed at various rates on earnings or receipts. There is a single rate for all purposes, the school rate being estimated.

[11] *Minneapolis.* The Minnesota statutes provide five classes of property, assessed at varying bases of true value—real estate (except unplatted) is assessed at 40 per cent; iron ore at 50 per cent; personalty, in three classes, is assessed at 10 per cent, 25 per cent, and 33⅓ per cent respectively. The average of all is 38 per cent of true value. Money and credits (not included in the valuation reported) are taxed at 3 mills on the dollar. The total rate in Minneapolis varies slightly in certain wards due to varying rates for street maintenance.

[12] *Seattle.* The city rate includes $1.25 port rate.

[13] *Kansas City.* The valuation given is for city tax purposes; the valuation for school, county and state taxes is about $600,000,000.

[14] *Louisville.* In addition to the valuation given, $18,500,000 of bank and trust companies stock is taxed $2 per $1,000 for city and $4 per $1,000 for schools.

[15] *Toledo.* The city rate includes 30 cents for university.

[16] *Portland.* The city rate includes $2.10 dock rate and $2.40 port rate.

[17] *Providence.* There is no county government in Rhode Island. In addition to the rates given, $4 per $1,000 is levied on intangible property assessed at $138,473,980, not included in the valuation here given.

[18] *Oakland.* The city rate includes $2.10 utility district rate.

[19] *St. Paul.* See Note 11. Moneys and credits, not included in valuation reported, are taxed $3 per $1,000.

[20] *Atlanta.* The school rate is estimated; schools receive 26 per cent of total city revenues.

[21] *Richmond.* The cities of Virginia are autonomous, having no county government. Of the valuation here given, $21,500,000 is tangible personalty, which pays a city tax rate of $12 per $1,000. In addition to the valuation given, $97,600,000 intangible personal property pays varying rates of $2 to $8.50 per $1,000 for city purposes.

[22] *Syracuse, Bayonne, Fitchburg, Salem.* The city rate includes schools, the separation not being reported.

[23] *Dayton.* The city rate includes $1.97 flood prevention rate.

[24] *Hartford.* In addition to the tax rate reported, the city raises, through levy and collection by the state treasurer, a one per cent tax upon a portion, and eight-tenths mill upon the balance, of a corporation stock valuation of $265,447,955, which is the taxable valuation of the stock of certain corporations held by residents.

[25] *Cambridge.* The state rate includes $2.04 metropolitan sewer and park rate.

[26] *Tacoma.* The city rate includes $1.50 port and $1.50 park.

[27] *Wheeling.* There are ten different city rates, varying for territories annexed since January 1, 1920, each annexed area paying its own debt, the levy given is for the city prior to that date.

[28] *Greensboro.* The school and county rates are in litigation before the State Supreme Court. An annexation of 1923 has a city rate of $5.50.

[29] *Montreal.* The population of the Canadian cities is the 1925 estimate of a census department, except for Montreal which is a local estimate. The school rate is the average of the Protestant, Catholic, and Neutral rates.

[30] *Toronto.* The assessed valuation for school taxes is $884,789,334; dwellings up to $4,000 valuation are allowed a certain exemption from general taxation but not from school taxation. Realty valuation includes 8.3 per cent income and 10.2 per cent business.

[31] *Vancouver.* The actual tax levy is $31.66, but was reported $28.50 because 92 per cent was paid before the expiration of a 10 per cent discount period.

[32] *Quebec.* The city rate includes $5 for water, paid also by $11,465,860 valuation exempt from general taxation, and 50 cents for local improvements.

[33] *Hamilton: London.* Realty valuation includes 15 per cent business and income.

[34] *Ottawa.* Realty valuation includes 16.73 per cent business and income.

[35] *Edmonton.* Land, valued at $35,267,310, is assessed at 100 per cent; improvements are assessed at 60 per cent.

[36] *Halifax* Realty valuation includes 18.5 per cent business and household.

[37] *Regina.* Realty valuation includes 11 per cent business and income. Land is assessed at 100 per cent, and improvements at 30 per cent. The separate school rate is $5.60 higher than the public school rate given.

[38] *Victoria.* Land, valued at $25,611,133, is assessed at 100 per cent; improvements are assessed at 50 per cent.

[39] *Saskatoon.* Realty valuation includes 2.95 per cent business and income. Land is assessed at 100 per cent, improvements at 45 per cent.

BOOKS AND PUBLICATIONS

Monographien deutscher Städte: Darstellung deutsche Städte und ihrer Arbeit in Wirtschaft, Finanzwesen, Hygiene, Sozialpolitik und Technik. Herausgeben von Erwin Stein, Generalsekretar des Vereins für Kommunalwirtschaft und Kommunalpolitik. (Berlin: Deutscher Kommunal-Verlag, 1925. Band XII, Gleiwitz, pp. 296; Band XIII, Görlitz, pp. 303; Band XIV, Neisse and Ziegenhals, pp. 311; Band XV, Beuthen, pp. 272; Band XVI, Waldenburg in Schlesien, pp. 416.)

This series of monographs on various German cities was begun some time before the war, which, of course, interrupted their publication. The work has been continued under the editorship of Erwin Stein, general secretary of the Society for Municipal Administration and Politics. The latest group includes the Silesian cities of Gleiwitz, Görlitz, Neisse, Ziegenhals, Beuthen and Waldenburg.

The books themselves are large, well printed, on good paper and handsomely illustrated. The number of illustrations per volume, however, seems to depend on the wealth of the city. While the different volumes are not identical in their plan and chapter headings, they all cover much the same ground; a history and description of the city, its public utilities, its problems in finance, hygiene and poor relief, and its work along recreational and educational lines. The material for each section was gathered and prepared by municipal officials and leading citizens under the direction of Mr. Stein; as for example the foreword to the monograph on Görlitz was written by Oberbürgermeister Snan, the chapter on the history of Beuthen by Justizrat W. Immerwahr, and that on welfare work in Neisse by Stadtsyndikus Fuhrmann. The work, it is almost needless to say, has been done in careful and scholarly fashion, but here and there the booster spirit shows as clearly as in a publication by an American chamber of commerce.

What, of course, is of most interest to us are the various problems which have arisen since the war and the way in which they have been met. The housing question was probably the most acute in these cities, for being near the eastern frontier large numbers of refugees came to them at a time when all building had ceased. Beuthen, an industrial and mining city, had perhaps the largest influx of population and there temporary barracks were erected. Later the city was able to begin building and here, as in most cases, it was done largely through building societies which were often subsidized by the city. In a few years between 1,500 and 1,600 new homes were ready for occupancy. All of these were dwellings of approved type, each apartment being well ventilated and having its share of sunlight. Many one-and-two family houses were built, but the needs of this city called principally for apartments suited to the income of the laboring classes. In Görlitz the new houses are, in general, more pretentious. Feeling that too hurried building would be more costly in the end and spoil the carefully laid city plan as well, the city administration began by taking a census of the existing number of rooms, commandeering those which were considered superfluous, and, at the cost of the city, rebuilding old houses so that they could accommodate more people. In addition 1,081 new buildings for dwelling purposes have been erected since 1918, of which only 89 were built entirely by private means. One rather interesting feature of the building development is a little colony or "addition" entirely in the hands of the city employees. Görlitz has fared better than many of the cities inasmuch as it possessed a great deal of land which not only furnished revenue during the period of depression, but also made available desirable building lots at a more reasonable price than those held privately. Neisse too had a city plan and stuck to it. It was also fortunate in having large barracks, formerly used by the garrison and which have been remodelled into apartments. The large newly-built apartments are all required to give as much southern exposure as possible and to provide a playground for the children of the tenants.

All of the cities covered by these monographs had much the same sort of welfare work to be done after the war. The children were undernourished, rickety, inclined to tuberculosis and other diseases. Orphans were so numerous that practically every city has had to build a new orphan asylum. All have instituted a special department of municipal administration to care for these problems and the results are already beginning to be apparent. Beuthen has instituted a public sun bath, a feature which might well be copied by our cities. Perhaps the most unusual expenditure of money since the war has been that for football fields. The cities have built other playgrounds as well, but an expensive football field seems essential. There is no intimation in any of the volumes, however, as to how the German youths like this substitution for military drill.

The Society for Municipal Administration and Politics has also published under the direction of Mr. Stein studies of several of the *Landkreise* or counties of Germany following the same general plan as in the other monographs. The volumes published so far in the *Monographien Deutscher Landkreise* include the following, Band I, *Der Landkreis Recklinghausen;* Band II, *Der Landkreis Sorau.* In these volumes particular attention is given to local finances, highways, forestry, drainage, reclamation and the development of electricity from water power. The latter is perhaps the most important of the new developments, the *Landkreis* being used as an administrative district for the central distribution of electric power.

Students of municipal administration will find in these books a mine of useful information.

A. C. HANFORD.

Harvard University.

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LOCAL GOVERNMENT IN THE PHILIPPINE ISLANDS. By José P. Laurel. Manila: La Pilarica Press. 1926. Pp. xxiii+539.

After searching for fifteen years through texts on American Government for a treatment of the government of our oriental colony that was neither inaccurate nor inane, it was a delightful experience to read *Local Government in the Philippine Islands* by Dr. Laurel. As Dean Maximo Kalaw aptly says in the Introduction, "The time, the place and the man are all present when Senator Laurel's book leaves the press."

In the first place I know of no other author who, upon theoretical grounds at least, was so well prepared to write this book. As a Bachelor of Laws, University of the Philippines, then Doctor of Civil Law, Yale University, he was theoretically grounded for his task. As a subordinate in the executive bureau, then executive secretary, and finally secretary of interior, he had the ideal opportunity to study Philippine local government "as is." As lecturer on municipal government in the University of the Philippines he had the leisure and the environment for the scholarly and scientific treatment of his subject. Lastly, his present position as senator, secured after a most strenuous campaign covering five provinces where he was thrown into contact with actual practical workings of local politics, should have completed his education in the intangible phases of government which so often are beyond the experience or understanding of political scientists who otherwise write well.

Dr. Laurel's volume would be a valuable contribution to the American school of political science at any time because of its sound treatment of the pre-Spanish and Spanish backgrounds of Philippine local institutions, the plan of local government under the Philippine Republic, and the evolution of the present system during the last quarter of a century in which the fusion of Spanish, American and Philippine elements have produced a "Philippine" system of local government.

However, Dr. Laurel's volume is of special value now when, for the first time in almost two decades, the American people are showing sufficient interest in the Philippine question to arouse the hope that we may eventually work out a satisfactory policy for our greatest colony. It will be gratifying to the American reader to note how this Filipino, a senator and a leader in the independence party of the Philippines, repeatedly calls attention to the McKinley Instructions of 1900 as the guiding force in the evolution of the at present highly creditable system of Philippine local government. I am sure that the Honorable Elihu Root would enjoy this volume since he, more than any other one man, formulated these instructions for President McKinley.

The book is well planned, well edited, quite free from errors typographical and otherwise, and quite readable both as to the English style and as to paper and printing. The rather bulky appendices include the parts of the Philippine Administrative Code dealing with local government. This large amount of appended material makes the book look discouragingly long, 539 pages, but the book proper constitutes less than half of the volume.

Dr. Laurel's study will be of especial interest to students of municipal and local government who will find herein the result of the fusion of the old Roman system based on the municipality, and the American system based on the rural township or county. The student of nationalism will also find interesting data here as to the use of transitory local governmental forms for the purpose of weaning savage peoples from tribal, personal government to national, impersonal government, transforming their socio-political bond from that of *jus sanguinis* to that of *jus soli*.

In citing the reduction of insular aid to the city of Manila from one million to fifty thousand pesos in 1923, page 147, without comment, the American reader will wonder why. The Filipino will know, however, that it was because the minority party captured control of the Manila city council that year, and, consequently, their opponents, the majority party in the insular legislature, took this method of retaliation. Also Dr. Laurel has not sensed the importance of the municipal treasurer in the smaller, outlying municipalities. But to criticise so good a treatise for such minor omissions savors of quibbling.

Without intending to do so, the book reveals the statesmanship of the original McKinley Instructions. It is to be hoped that Dr. Laurel will continue to write on Philippine Government with the same objectivity and detachment from partisan feeling that characterizes this volume.

O. Garfield Jones.

Toledo University.

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The New Leadership in Industry. By Sam A. Lewisohn. New York City: E. P. Dutton and Company. 1926. Pp. 234.

To a good many people the title of Mr. Lewisohn's book will give an erroneous impression. It is unfortunate but true that ordinarily the speaker or writer who talks about "leadership" contents himself with vague generalities which may be applied in any one of a number of ways—or, indeed, not at all—in dealing with a concrete situation. Few treatments of the subject, however, are more specific and concrete than Mr. Lewisohn's. The "new leadership" of which he writes is no more than basing the handling of employment problems (or, if a different term is preferred, industrial relations) upon clearly thought-out principles and giving the application of these principles effect in concrete situations, at least for large organizations, through the sort of personnel agency which is commonly called the employment department.

Little reading between the lines is necessary to uncover two facts—Mr. Lewisohn's attitude is not that of a person whose bread and butter depends upon the manner in which he deals or has dealt with industrial relations, either as an employer or an employee, but rather is that of an enlightened employer who takes himself and his work seriously, who has given sincere study to employment problems, who is familiar with the best personnel literature and practices, who has considerable social vision, and who, as far as is humanly possible, bases his conclusions not upon his own selfish interests but upon what he conceives to be sound social policies. It is from just such men, who are far enough from the bitter experiences of life to retain a fair perspective, who are close enough to employment matters to know what they are talking about, and who are serious enough to give serious thought to serious problems, that the best presentation of a difficult social subject often comes. This seems to be just such a work, written in a very readable and interesting style.

Mr. Lewisohn quickly and surprisingly convincingly disposes of the "capitalistic" bogey by showing how capitalism in effect means little more than a larger production, through good organization, of the consumable goods the world needs and wants. With equal facility he disposes of—or at least explains—the blind opposition to "unionism" which some employers still show. The plausible manner in which he points out that a given attitude is right or wrong or a given procedure is good or bad because it does or does not lead to the production and equitable distribution of those things which all of us want is reminiscent of Franklin's Autobiography. An example is the treatment of the alleged effect of simple tasks repeated over and over all day long. Instead of regarding this as a necessary evil, as is commonly done, Mr. Lewisohn points out—what every observing person who has dealt with many human beings well knows—that there is a very large percentage of the adult human race which is much happier when engaged all day long in simple repetitive tasks than when performing varied work calling for constant adjustments and therefore the use of the intellect.

In his attitude toward the public service Mr. Lewisohn quite consistently takes the more or less emotional attitude that he finds common among others in their thinking about capitalism and unionism—that is, he accepts as gospel the view that the public service *per se* means stagnation, poor organization, backwardness, and a considerable degree of inefficiency. It is unfortunate that Mr. Lewisohn did not approach the problems of organization, procedure, and employment in the public service with the same turn of mind as he approached the same problems in industry; had he done so, there can be little doubt that he would not casually have dismissed the substantial progress and achievements in the public field.

Fred Telford.

⁂

Repeal the Direct Primary. By Bernard Freyd. Seattle: McKay Printing Company. 1925. Pp. 65.

No one can complain that this pamphlet, considered as a contribution to political discussion, lacks novelty. "Instead," writes Mr. Freyd, "of occupying ourselves with a detailed comparison of the various forms which the direct primary has taken, we have formulated dilemmas." From the philosophical angle, however, it is the old, old game of antinomies, whereby, for example, one can demonstrate with the same show of reason that the universe is a limited quantity, and that it is unlimited in space and time. Thus Mr. Freyd whipsaws the unlucky direct primary back and forth, using for his fell purpose two questions: "Has any group of citizens the right to organize a party which shall be satisfactory to themselves?" and "Is the party system desirable?" Naturally our current fashion in nominating machinery is revealed as "possessed with the glanders and like to mose in the chine; troubled with the lampas, infected with the fashions, full of windgalls, sped with spavins, rayed with the yellows, past cure of the fives, stark spoiled with the staggers."

It is amusing; the only unfortunate thing about it all being that the same methods of logic may be applied with the same results to that holy of political holies, the concept of sovereignty, or to the sacred dogma of checks and balances, or to that noble Anglo-Saxon invention, the principle of representative government,—the last-named, by the way, lying at the root of the nominating convention system for which Mr. Freyd drops a pious tear. Much is made also of the fact that other democracies have not been impressed sufficiently by the glories of the direct primary to adopt it as their own. By the same logic we should repeal prohibition and the supreme court's veto,—which to many would not seem such bad logic either. Of course no one would be so foolish as to proclaim the imperishability of the direct primary; it is after all only Number 3 in our national gallery of nominating systems. It will hardly be done to death, however, by "formulating dilemmas." Formulating other devices, *e.g.*, the short ballot and proportional representation, would seem to be much more effective, although if adopted, no doubt, these will develop plenty of logical and other difficulties of their own.

Robert C. Brooks.

Swarthmore College.

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A Correction.—Due to a typographical error Miss James in reviewing Mrs. Bowen's "Growing Up With a City" was made to say on page 609 of the October Review that the book was a notable record of the charitable and civic movements of Chicago "of the last few centuries." What was intended to be said was "the last half century."

Mrs. Bowen grew up with Chicago and she will doubtless be amazed to read that her personal account covers a period of several hundreds of years.

GOVERNMENTAL RESEARCH CONFERENCE NOTES

EDITED BY ARCH MANDEL

New York Institute of Public Administration.—The Virginia survey which the Institute is making, has now reached the study of county government. W. A. Bassett, Luther Gulick, Bruce Smith and William Watson have spent some time in selected counties of the state.

Bruce Smith is making a police survey of Utica, New York, in connection with his work for the New York State Crime Commission.

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Kansas City Public Service Institute.—The Kansas City Public Service Institute is experimenting with an expanded bulletin. The Institute has for several years issued a weekly four-page folder, with very satisfactory results. It has felt for some time that it needed a means of circulating more information on more subjects than is possible with the folder type of bulletin. It has, accordingly, adopted the policy of substituting once each month an enlarged edition of the weekly. This larger edition is a 7″ x 10″ sixteen-page magazine, covering a wider variety of subjects, and in more detail, than has been the practice in the weekly bulletins. The purpose of the magazine is to reach a class of readers who will take time to read a more extensive discussion than is possible in the folder. The folder is designed for business men who will pick it up and read it because it is short and to the point. The magazine is designed for use by organizations interested in government, such as the government study clubs, civic committees, by civic classes in schools, and by other individuals and organizations who desire more detailed information. The Public Service Institute has always felt that the educational part of the work of a research bureau is its fundamental purpose for being. The Institute and every other research organization has on hand considerably more information that ought to reach the public than can be printed in a weekly folder. It is both to furnish a means of making such information regularly public and to reach this wider clientele that the new plan has been adopted.

A permanent registration bill applying to Kansas City has been drafted by the Institute in coöperation with the Chamber of Commerce and with the aid of Dr. Joseph P. Harris. The bill is now being studied by other interested organizations. It is believed that a bill satisfactory to all will be finally drafted and that there is a good chance of its adoption by the legislature.

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New York City.—Governmental researchers familiar with the early days of municipal research in New York City and the part played in it by the then comptroller, Herman A. Metz, who upon leaving the comptrollership gave $30,000 for promoting proper accounting in American cities, will be interested to know that Mr. Metz is chairman of a group who recently organized the Municipal Economy Committee, with headquarters at 53 Chambers St., City Hall Square, New York City.

Though organized in time for October study of the tentative and proposed budgets for 1927, this representative committee has announced its intention to help rentpayers and taxpayers follow the tax dollar from citizens' pockets to its final destination in service or lack of service.

Eight city-wide and borough-wide agencies, which contain probably 80 per cent of the taxpaying forces of Greater New York, have sponsored this new governmental research: The Board of Trade and Transportation, the Brooklyn Chamber of Commerce and Brooklyn Real Estate Board, Chamber of Commerce of the State of New York, Merchants Association, Queens Borough Chamber of Commerce, Real Estate Board of New York, and Staten Island Chamber of Commerce. Each of these agencies has two members on the Committee, most of them the president and the chairman of their public taxation committee.

Representing a general public service interest are also George McAneny, former president of the borough of Manhattan and of the board of aldermen, and William H. Allen, director of the Institute for Public Service, one of the original municipal research groups and first director of the Training School for Public Service.

The officers are Herman A. Metz, Chairman;

Lucius R. Eastman, president of the Merchants Association, Vice Chairman; George McAneny, Vice Chairman; and William H. Allen, Secretary.

The active direction of the field work is by the secretary, who is responsible for execution; Lawson H. Brown, secretary of the Civic Council of the Brooklyn Chamber of Commerce; Frederick DeBerare, director of research, Merchants Association; and E. P. Doyle, manager of public affairs, Real Estate Board of New York.

Typical of news items during the budget campaign were statements to the effect that the budget actually appropriated over $507,000,000 instead of the reported $475,000,000; that it was $45,000,000 rather than $38,000,000 above the city and county budget for 1926, or $82,000,000 above that for 1925; and that even if tax rates do not rise, it is tax money rather than tax rates which rentpayers and taxpayers actually pay.

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Philadelphia Bureau of Municipal Research.—Besides its published reports and its weekly publication, *Citizens' Business*, the Bureau of Municipal Research of Philadelphia each year prepares a great many statements which it does not publish. These consist of memoranda, magazine articles, press notices, papers read at public meetings, letters containing information on municipal problems, drafts of bills for legislative bodies, and tables giving statistical information. Most of these statements are prepared in response to requests by public officials or private citizens, and only enough copies of each are made to supply the need of the person making the request and a few copies for our correspondence files. In order to make these papers more accessible than they would be in the correspondence files, it has been decided to bind in a single volume all the more important ones that have been prepared during the year. Material for the years 1921–1925 has been prepared for binding. It is planned to have copies available for reference in the Bureau's library and ultimately to send copies to the Library of Congress. The compilation and editing has been done by Miss Helen F. Gruner, the Bureau's librarian.

At the October meeting of the trustees of the Philadelphia Bureau, Clarence G. Shenton was elected secretary of the corporation, as successor to Russell Ramsey, resigned. Mr. Shenton continues to be assistant director.

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Des Moines Bureau of Municipal Research.—The total 1927 taxes for all purposes levied on property in the city of Des Moines will be approximately $125,000 less than those of 1926, as a result of the campaign pressed by the Des Moines Bureau of Municipal Research. This reduction amounts to about 2 per cent of the total tax levies. The county supervisors and county hospital board each reduced their levies approximately $57,000. The county levies were decreased by the elimination of unnecessary balances in certain funds and reduction in overhead expense by installation of several more economical practices, among which was a reduction in the mileage allowance to the county sheriff. The county hospital board of trustees which maintains the combined city and county hospital service, agreed to defer a levy for a new building for several years, which permitted a reduction in the hospital levy. The city levy was reduced between thirty and forty thousand dollars largely by the elimination of excess levies for certain funds. The school levy was increased only $20,000, in spite of the completion of several new school buildings, the annexation of new school territory, and augmented enrollment of pupils. The Research Bureau prepared reports, attempting to show the different subdivisions how they could reduce expenses. Acting on many of these suggestions, the various tax levying bodies agreed to coöperate in a tax reduction movement. The Research Bureau appeared very little publicly in this campaign.

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Syracuse University.—Dr. Mosher, managing director of the School of Citizenship and Public Affairs, reports the following projects under way or concluded:

1. Methods of handling real estate subdivisions. This is an investigation of the methods that have prevailed in Syracuse and a number of other cities comparable to Syracuse. The defects of such methods are pointed out, particularly as they show a lack of plan with reference to contours of the land, relation to thoroughfares, width of streets and the like.

A comparison is made between the ideal layout and the customary rectangular layout, with reference to the following items: cost of houses, grading, shrubbery, open spaces, sewers and other necessary expenses. This is supplemented by an ideal layout of 160 acres in Westchester county.

The investigation was in charge of Robert Whitten, formerly of the City Planning Commission of Cleveland, and in coöperation with the organization of New York City and Its Environs.

2. Public Roads Financing. The basis of this investigation is a field study of the economic and social effects of public road developments in five rural counties in New York state. It is a consideration of the proper means of financing public road improvements with regard to the social and economic benefits derived. This was carried on by Finla G. Crawford and Harvey W. Peck.

3. The Annexation of Onondaga Valley by Syracuse. This is a detailed report on the changes in the costs and standards of public services to be extended to Onondaga Valley, a suburb of the city of Syracuse. It covers all of the various functions and provides a detailed estimate of the costs necessary to maintain Syracuse standards in the suburb in case it should be annexed. Comparisons are made between present valuations and tax rates and the adjustments which would necessarily follow. The question of debt limits also is given careful consideration. The report was prepared in advance of the referendum dealing with the annexation of this suburb. It was prepared by three men of The School's staff, Messrs. Stone, Evans and Jenny.

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New Bedford Taxpayers' Association.—New Bedford has for years operated three municipal cemeteries, but because of the failure to assess the lot owners the full cost of maintaining their lots, the taxpayer has had to meet a deficit of $50,000 a year incurred in the operation and maintenance of the cemeteries. The Taxpayers' Association, after a study of the situation, has worked out a plan by which the cemeteries may be operated without loss to the municipality and has made recommendations accordingly to the cemetery board.

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Dayton Research Association.—Wilbur M. Cotton resigned as city manager of Ashtabula to become director of the Dayton Research Association. He assumed his new duties the latter part of November. In 1917 Mr. Cotton was appointed manager of Edgewater and Sewickley, Pa., in 1920 was manager of Ambridge, Pa., until he became city manager of Ashtabula in 1922. Mr. Cotton has made an enviable record as manager of Ashtabula. Among other things, he had charge of construction and operation of a million dollar city electric plant, and took over a bankrupt street car system. Under his direction a million dollar program of sewerage improvement, including a sewage treatment plant, was completed in three years. In 1923 a city plan was adopted, with thoroughfare, boulevard and park plan and a zoning ordinance which have worked successfully since.

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Public Utility Consultant, New York City

Why the Indeterminate Permit?—One of the greatly exaggerated nostrums offered for public utility control has been the so-called indeterminate franchise (also called terminable or revocable permit). In its more modern form it was first provided for in Wisconsin in 1907, and has been established in various forms in ten states. For eight years following the enactment of the Wisconsin statute, it was lauded over the country by enthusiastic writers and speakers as furnishing the necessary basis for effective public utility regulation. Its discussion subsided during the war, but has been revived again during recent years.

The essence of the indeterminate permit is duration without a fixed period, subject to revocation by the municipality in which the grant is operative after paying for the fair value of the property. It purports to leave ultimate control with the municipality, which may terminate the permit if the service and rates are unreasonable. At the same time it provides stability for the company, which may proceed with developments without interference through prospective termination. Its effectiveness depends upon the conditions under which it is granted and administered.

Two recent surveys have been made of indeterminate permit, which will be of interest to public officials and students of regulation. The first was made by Francis X. Busch, corporation counsel of Chicago and C. M. Dody, assistant corporation counsel of Chicago, for the benefit of Illinois municipalities in relation to proposed legislation establishing the terminable permit. The second was prepared by Dr. Delos F. Wilcox for the Public Ownership League of America.

NOT FAVORED FOR ILLINOIS

The Busch-Dody study presents the situation from the standpoint of the proposed statute in Illinois. It makes a survey of the laws in the several states and brings out the diversity of conditions under which the terminable permit is provided. It shows particularly, that the effectiveness of such grants from the public standpoint, depends upon the rights of the municipalities to initiate regulations and upon their power to exercise revocation in case of unsatisfactory conditions. Without such rights and power, the cities lose all control over the utilities, and the terminable permit becomes in reality a perpetual franchise.

The report is opposed to the terminable permit, not in general, but as proposed in the Illinois bill under discussion. The chief reasons for the opposition are the ones above indicated. First, under the Illinois statutes the municipalities would have no direct control left over the utilities in their streets, they could initiate no regulations as to service, improvements, or safety. Second, they would obtain an empty right of revocation, because they have not sufficient borrowing capacity under the law to purchase the properties and thus remove an unsatisfactory operator. The general right of public ownership and regulation exists now, but it is useless under the financial limitations imposed upon the muncipalities.

HAS FAILED IN ITS PUBLIC ASPECTS

Dr. Wilcox's report covers largely the same ground, but it is not specifically directed to the Illinois situation. It is a more general study in relation to home rule and government ownership. Its conclusion is that the terminable permit has failed in its public aspects and has more firmly entrenched the private companies in permanent possession of their franchises. Dr. Wilcox apparently would not expect much better results whatever the attending circumstances of the grant. He views it primarily as an instrument for companies but unsuited for public needs unless "its status is definitely established as the handmaiden of home rule and municipal ownership." He would first make public service the dominant motive, compelling the companies to accept a subordinate status while they continue in business, receiving limited but reasonably liberal returns for actual public service.

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What are the Facts as to Niagara Power?—A huge public service would be rendered if someone would come along and tell us the actual truth about Niagara power in Ontario. On the one hand we are told of the magical performance of the Ontario Hydro-Electric Commission,—that it has brought cheap light and power to the small fellow and has given him a new status in modern industry and comforts of life. But we are told also the same hydro-electric system has been a diabolical force in Ontario politics,—has tried to set up a gigantic monopoly in the interest of the persons in power,—has violated constitutional law,—assumed absolute authority,—closed the courts of justice against proceedings adverse to the group,—and encroached upon the liberties of the people.

The above is the concluding characterization by the late Professor James Mavor in his recent work on "Niagara in Politics" (N. Y., Dutton, 1925). Professor Mavor was a fine gentleman of the old economic school. His faith was firmly founded upon *laissez faire* and he could see no good in government meddling with business. To him the whole scheme of the Hydro-Electric Commission was a piece of rank socialism which polluted the entire economic and political life of Ontario and the great Dominion of Canada. He was temperamentally and professionally about the least fitted among economists to make a study of a situation which required great technical understanding and a free balance of mind to weigh relative benefits and evils.

Indeed evils there must have been, which have been glossed over by the friends of the Hydro. On the other hand, private utility interests have overworked the hydro propaganda to head off similar experiments in the United States. Professor Mavor, late emeritus professor of Political Economy in the University of Toronto, of course, cannot be placed with the propagandists; he was doubtless sincere; but he was so obsessed with a mid-victorian economic basis against government in business that he could not distinguish facts from fancies and could not weigh the relative *pros* and *cons* of the situation.

We have heard much of the low rates to Ontario small consumers a long distance from the source of supply. But Professor Mavor says that the low rates to domestic consumers have been made arbitrarily low for political purposes, without regard to cost of service. The commission has thus kept itself in power, and has shoved the burden upon the larger power consumers and upon taxpayers. The costs have been high, the investment extravagant, the management inefficient, and the control politically corrupt.

UNBIASED STUDY NEEDED

The picture drawn by Dr. Mavor is not a lovely one,—and probably many details of the reality have been unlovely. But it is time that a competent and unbiased study were made of the complicated facts. Dr. Mavor, unfortunately, had neither competence nor open-mindedness for such a difficult piece of research.

If we knew the facts, they would throw light upon the national or state policies which should be pursued in the United States in our further development of Niagara and St. Lawrence power. Likewise, they would assist in helping us decide about Muscle Shoals and Colorado River power. They would also help New York, Pennsylvania, and other states in determining how far to go in the public development of hydro-electric projects, or in super power. These are matters of enormous importance for the nation's future, and they are likely to be decided largely on the basis of propaganda and biased reports. A special federal commission is needed to make a study of the entire situation and report on desirable policy. It should consist primarily of experienced economists and engineers who are free from intellectual control by existing public utility interests and the dogmatic government ownership groups. What we need are the facts scientifically presented from the standpoint of desirable policy. We have had far too many briefs for particular views and interests.

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Transit Planning for New York.—"The Transit and Transportation Problem" has been published as a part of the "Regional Plan of New York and Its Environs." The author is Mr. Harold M. Lewis, executive engineer of the technical staff. The report is a sequel to the earlier traffic study. It is divided into three general parts. The first is devoted to the "transit problem," which includes local passenger transportation within the New York populated district. It makes a survey of the facilities available—rapid transit, surface street railways, and motor buses; presents a study of the traffic, historical, seasonal and sectional; discusses the financial problems, and formulates guiding principles for proper developments in the future. The second part considers the railroad facilities and traffic as distinguished from transit, covering freight as well as passenger service. The third part presents estimates of future traffic.

The report is greatly clarified by charts, maps and tabulations. It is an excellent study of a complicated and perplexing situation, which has profound significance not only to the immediate area but to the country at large. The present confusion, and the growing inadequacy and obsolescence of the nation's chief terminal facilities on the Atlantic seaboard, should give concern to business and public interests throughout the country. It is extremely important that the many political cross purposes in the section, the unfortunate state boundaries, the rivalries and self-interest of existing railroads and transit companies, shall give way to the national interest, so that the extraordinary port facilities may be developed for the general welfare and prosperity.

IS CONGESTION DIMINISHED?

The report contains two points which will require consideration in many other regions struggling with local transit problems. The first is the question how far the construction of new facilities results in dispersal of population and the avoidance of congestion, and to what extent it may actually promote congestion. If new transit lines, let us say subways, are able to bring huge additional numbers to an already congested business district, and thus stimulate the construction of large new business structures, do they relieve congestion or add to it by bringing still greater masses into the limited area? Might not the interest of the region as a whole be better served if no new transit facilities were provided, with the result that business would be compelled to disperse over a wider area, less riding, less time spent in transportation, and less congestion in any one zone?

This is a grave problem which in any case should not be settled by mere casual consideration. There is danger of mistake in blandly assuming, as is perhaps generally the case, that mere transportation solves the problem of congestion. But there is also the opposite danger of declaring too readily against needed transportation. The problem is rather one of proper proportions. It involves consideration of several congestion factors, of which transportation facilities are only one. It includes the economic availability of huge buildings, appropriate street and sidewalk space, sufficient air and light, adequate water supply and sewage disposal, and available public utility connections. Undoubtedly if lower Manhattan, or the Chicago Loop, or the most congested region in any city, could be cleared of its antiquated structures and could be rebuilt on modern economic lines, with corresponding street and side-walk lay-outs, it would serve better a much greater business population than is possible at present with the inadequate other provisions. The trouble is that while the available transit facilities have been fairly well modernized, the other elements have lagged far behind and belong to another age. Unless all factors can be advanced approximately in proportion, there is the danger that the better the transit the graver the congestion.

WHO SHALL PAY THE COST?

The second point which has general importance, has to do with financing new transit facilities and providing for the cost of service. The report disagrees with the prevailing theory and practice that all the costs should be borne by the riders. It shows that such a policy might be self-destructive, failing to pay costs and discouraging traffic below the economic needs of the community. Moreover, it emphasizes the fact that the riders as such are not the sole group in the community benefited by adequate transit. It concludes that the directly benefited property owners should bear a due proportion of costs through assessments, and the generally benefited business interests should contribute through taxation.

As suggested previously in these columns, the cities will have to consider transportation from the various financial and public angles. First they have to consider whether added facilities are warranted from the standpoint of congestion and total cost, and second they must decide how the cost should be divided among the various groups in the community. Old assumptions and practices must be subject to rigid examination and test.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE

Professor of Law, Georgetown University

Mandamus to Prevent Violation of Building Code—Effect of Establishment of Building Line.—In Brooks v. Secretary of the Commonwealth (153 N. E. 322) the supreme court of Massachusetts affirmed the right of resident tax payers to compel the city authorities to act to prevent the violation of building code by the erection of an apartment house covering in part the space reserved as a set-back from the street. In such a case, the court holds that the petitioners do not have to show in themselves any private right and interest beyond the right and interest of the public. The court defines the effect of the establishment of a valid line beyond which the owner may not build as an easement acquired by the public, and not as a mere regulation of the use under the police power. This doctrine is upheld by recent decisions in Maine, New Jersey, Wisconsin, and in the federal case of Ambler Realty Company v. Euclid, now pending before the United States Supreme Court on appeal. This theory that the establishment of a building line is the taking of a property right has an important bearing upon the method by which such right may be acquired by the public, whether only by the exercise of the power of eminent domain or through the regulatory force of the police power.

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Legislative Control Over Rates of a Public Utility Owned by the Municipality.—In City of Lamar v. Town of Wiley decided by the supreme court of Colorado, July 6th, (248 Pac. 1009), the question before the court was whether the public service commission of the state had power to control the rates charged by the city to the town for electric service. It was admitted that under the home-rule provisions of the state constitution the city held its lighting plant free from any legislative control so far as fixing the rates to its domestic consumers, but the court held that this immunity from control did not extend to power furnished to customers outside the city and that therefore the public service commission had authority to regulate the charges for extra-mural commercial lighting. Of course, in the absence of constitutional restrictions, the legislature may in its discretion include or exclude municipally owned plants from the jurisdiction of the state public utilities commission (Springfield Gas and Electric Co. v. Springfield, 292 Ill. 236). But the power to own and operate its local public utilities free from legislative control is one of the assured privileges of a city enjoying a constitutional freeholders' charter. When such a city house undertakes to furnish water, light or power to customers outside its limits, its home-rule immunity ceases. The courts of Oregon have applied the same logical rule in Hillsboro v. Public Service Commission, 97 Or. 320; 187 Pac. 617, 192 Pac. 390.

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Streets and Highways—License to Build Overhead Bridge Connecting Buildings.—In Yale University v. New Haven, 134 Atl. 268, decided by the supreme court of errors, July 3, the university corporation brought an action to determine what rights it had to erect and maintain a bridge over High Street connecting buildings of its Art School. The court defines the extent of the public easement, points out that any interference therewith by a private individual is a public nuisance, but declares that, under a power to regulate, the city authorities may grant a license revocable at will for such a use of the streets by private individuals as is reasonable and will not interfere with the enjoyment of the rights of travel of the public. The court concludes that the use requested is a reasonable one, to be exercised, however, only upon securing a permit from the inspector of buildings in accordance with the building ordinance.

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Home Rule Charters—Annexation of Adjoining Territory.—A limitation upon the powers of cities organized under freeholders' charters analogous to that set forth in City of Lamar v. Town of Wiley is illustrated in Barton v. Shickey, decided by the Oklahoma supreme court; 248 Pac. 592. The charter of the city adopted by its people conferred upon the city authorities power to annex contiguous lands. A charter so adopted becomes the organic law of the city and supersedes all laws of the state in conflict therewith, so far as its provisions and the ordinance passed thereunder relate to purely municipal matters. An attempt of the city acting under its charter authority to consummate such an annexation without complying with the requirement of consent by the inhabitants of the outlying district, as provided by a general statute, is held to be void. In other words, while the city may confer upon itself the power to annex, that power can be exercised only by complying strictly with the general statutes of the state. Annexation is a matter peculiarly affecting the rights of persons without the local jurisdiction and must be regulated by statutes in the general interest of the public.

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Jurisdiction of Federal Courts to Enjoin Enforcement of Ordinances.—In East St. Louis Railway Co. v. East St. Louis, decided by the district court of the eastern district of Illinois on August 9 (13 Fed. 2nd 852), the plaintiff sought to prevent the enforcement of an ordinance of the city requiring it to remove its tracks from certain streets, alleging that the ordinance was invalid due to the enactment of the Public Utilities Acts of the state, and that the action of the city deprived the plaintiff of his property in violation of the Fourteenth Amendment. The case involved such important interests of all the cities of the state that counsel representing the city of Chicago appeared as *amici curiae.* In discussing the complaint, Lindley J. applied the well established rule, limiting original federal jurisdiction based upon the invasion of rights guaranteed the individual by the federal constitution, that the court had no power to act if the ordinance was, as the plaintiff claimed, invalid because beyond the power delegated to the city (Barney v. New York, 193 U. S. 421). The original jurisdiction of the federal courts to enjoin the enforcement of a valid ordinance, which is the law of the state, when it threatens to invade the rights protected by the federal constitution has been often invoked (Mercantile Trust Co. v. Columbus, 203 U. S. 311), but unless it clearly appears upon the pleadings that the ordinance is a valid exercise of the city's power, the special ground of federal jurisdiction in equity will not exist.

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Charitable Trusts—Power of the City to Act as a Trustee.—The supreme court of Rhode Island in City of Providence v. Payne, 134 Atl. R. 276 was called upon to construe a devise by one Dexter of a large plot of land to the city of Providence for the accommodation and support of the poor of the town. Objection was made that the city could not act as trustee for the inhabitants of the town, but the court applies the general rule that in absence of a statute to the contrary, a city may act as trustee under a public charitable trust created for any purpose germane to the objects of municipal incorporation. While the courts may not compel the city to accept such a trust, the legislature may deprive the city of its trusteeship and transfer it to another.[1] In the instant case, the testator provided that a stone wall be erected and maintained about the land, that certain buildings be erected thereon, and the land used for the sole purpose of the care of the poor. Upon the basis of a subsequent clause that the income rents and profits of the land be used for the same purpose, the question was raised whether the city might not lease part of the land for building lots to provide an income to support the trust. The court held that other clauses of the will made plain the intention of the testator that all the land should be used for building and grounds, and therefore the trustee had no power to devote part of it to other purposes in order to raise a fund to carry out the testator's wishes, but that its acceptance of the trust devolved upon it the duty to support the charity from the public funds.

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Non-Negotiable Municipal Bonds.—In Jones v. American Savings Bank and Trust Company, decided July 15, 1926 (247 Pac. R. 017), the supreme court of Washington holds that public improvement bonds made payable from a specified fund are not negotiable and therefore the appellant bank gained no title to such securities which had been purchased in good faith and for value before maturity from persons who had stolen them. The majority opinion is based on the construction that the recital that the obligation is payable from the proceeds of the special tax implies the conclusion that the city issuing the bond incurs no further liability and that therefore under the provisions of the uniform negotiable instrument act, the bonds like city warrants are non-negotiable.

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[1] Dailey v. New Haven, 60 Conn. 314.

Handley Trustees v. Winchester Memorial Hospital, 111 Va. 360.

NOTES AND EVENTS

North Carolina Commission on County Government Reports.—Last year, the Governor of North Carolina appointed, at the request of the State Association of County Commissioners, a commission on county government. This commission has now reported and its report has been adopted by the above association.

The report recommends that the counties be organized on the lines set forth below. In smaller counties functions here assigned to separate officials may be combined under one, or rearranged as the business of a particular county may demand. At first it shall be optional with each county as to how much of the reorganized scheme it wishes to adopt. The plan provided for the following:

1. A board of county commissioners, to be elected by the people for a term longer than two years, but not all the members to retire within any given year. This will give continuity of business management. It should have supervision of the entire business of the county. The board should have at least the same degree of supervision over fiscal management that the board of education, for example, has over school administration, or the road board over the construction of highways. It should have the authority to employ specially trained men to perform special functions.

2. A business manager, selected and salary fixed by the board of county commissioners. He may be chairman of the board of county commissioners, or the auditor or some other competent citizen. The duties of the business manager should be to study the entire business of the county, make reports to the commissioners, and aid the board in unifying the business and in securing the best results from the expenditure of the funds.

3. A supervisor of taxables, selected and salary fixed by the board of county commissioners. In some counties he may also be the auditor. His duties should be: (1) To keep an up-to-date record of all the sources of revenue; (2) To inspect property in every section of the county for improvements and depreciations and report the same to the board of county commissioners, and the commissioners should have authority to readjust values, at least once each year; (3) To inspect offices receiving fees, fines forfeitures, and penalties, and report the same to the commissioners through the business manager; (4) To supervise the listing of all taxes and to appoint the list takers; (5) To prepare the tax books for the collector; and (6) To check the collector's accounts by the tax books.

4. A tax collector, selected and his salary fixed by the board of county commissioners. The commissioners also shall have authority to select his assistants. He may be the sheriff, if the commissioners desire to elect him. His duties should be to be on the job constantly, collecting the revenue from all sources. He should deposit collections daily, report periodically to the commissioners through the business manager. He should give ample bond to protect the county's funds and he should be required at the end of the fiscal year to make a complete settlement. His collections should be checked with the individual amounts due.

5. An auditor, selected and his salary fixed by the board of commissioners, whose duties should be to check all expenditures by the budget and authorize all payments, to hold each department to a strict accountability for living within the budget and to keep a daily audit of all accounts.

6. A purchasing agent, selected and his salary fixed by the board of county commissioners. His duties should be to purchase all supplies after the purchase has been approved and the proper requisition filed. In some counties he might be the auditor or a clerk in the office of the auditor.

7. A treasurer may be elected by the people or selected by the board of county commissioners. He should be the custodian of all revenue, make disbursements promptly, keep within the budget of each department, collect interest on bank balances, and keep his books in harmony with those of the auditor. He should be prohibited from paying vouchers that exceed the budget allotment.

8. A custodian of physical property, selected and salary fixed by the board of county commissioners. He may be a member of the board of county commissioners or some other member of the official family. His duties should be to report to the board the condition of the county's property and the board should hold the several

departments responsible for the care of the property.

9. The following county officers should be elected by the people and their duties should remain substantially as they are now, except where they conflict with duties assigned to officials specified above: register of deeds, sheriff, clerk of court, and coroner.

10. The several boards, such as board of education, board of health, board of agriculture, board of public welfare, highway board, etc., should be required to report annually to the board of county commissioners on how the money appropriated to each has been spent, and what service has been performed as a result.

11. The machinery for preserving law and order is referred to the president of the Bar Association to be transmitted to the appropriate committee of that association. No change is recommended, except perhaps in the nature of the reports that should be made.

12. Relation of the state to the county government.

(a) The general assembly should by a general act make it possible for any county to adopt and maintain an improved form of local government, suitable to the needs of the county.

(b) It is imperative that the general assembly adopt a policy prohibiting an individual member of the assembly from interfering with the government of his county, as set up by the people in accordance with the law, unless it shall appear to the whole general assembly that the change is demanded by the people of the county, and is in the interests of better local government. The present parliamentary procedure, which permits a representative through "common consent" to alter, modify, or abolish offices and functions, or to be exempt from the operations of state-wide legislation, sometimes as a result of a factional fight in his county, makes it difficult to maintain a good government.

(c) The general assembly should set up a state department of finance and accounting to aid counties in readjusting themselves to any improved plan, and in safeguarding functions essential to good county government, but it should be made very clear that this department shall have no control whatever over the government of the county.

(d) The general assembly should provide for the preparation of a code of county government law, and a manual on county government, embodying the law, and suggestions for organizing government in countries of different sizes and wealth, and containing such detailed directions as may be helpful to officials in safeguarding the revenue and expenditures.

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St. Louis City-County Consolidation Fails.—The proposal to consolidate the city of St. Louis and St. Louis county into one unified government failed at a special election on October 26. The rejected plan was drafted by the board of freeholders selected under the constitutional amendment of 1924. It represented a victory for the city in the board of freeholders in which the county members (with the exception of one representative who, in order to get the matter before the people, finally voted with the city group) bitterly opposed any scheme of complete consolidation.

To become effective, the measure needed an affirmative vote in both city and county. In the city the favorable majority was in the ratio of 7 to 1, but the vote in the county was 2 to 1 in the negative. Only 22 per cent of the city's registered voters turned out to the polls, but in the county, where the feeling was more spirited, 67 per cent of the registered voters voted.

If consolidation had carried, the enlarged city would have had an area of 548.37 square miles, the greatest area of any municipality in the United States. Fifty-five per cent of this area is still farm land, and uncertainty on the part of the farmers as to whether their lands would actually be taxed at an agricultural rate, lower than the urban rate, is given as one cause for the adverse vote in the county.

The St. Louis Bureau of Municipal Research estimates that the enlarged city would have had a population of 931,000; of these 110,000 reside in the county. The present tax rate is higher within the city than in the county, although the fact that there are over one hundred taxing units in the county, enjoying widely varying tax rates, makes a detailed comparison difficult.

Hostility towards consolidation was strongest in the remote suburbs. These felt that their present town governments were satisfactory and that consolidation meant a surrender of control over local affairs.

With respect to the county vote the greatest strength of the consolidationists lay in the thickly populated communities on the immediate fringe of the city. Much of this section is unincorporated territory and many residents were anxious for an extension of municipal services, which consolidation would have brought.

The county districts were well organized against consolidation. According to the annexationist group the leaders of the opposition were in the main county and local politicians.

Unless a talked of initiative petition materializes it will be impossible to get the question before the voters in any form until five years have elapsed.

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Ten Years Of Zoning.—In 1916 the first zoning law in this country went into effect. It was devised and adopted by Greater New York. Since that time zoning has spread to more than five hundred municipalities of the United States. Before 1916 in every city, including Greater New York, factories could be constructed in any residence or retail business district. Noise, smoke, fumes and heavy trucking blighted the surrounding area. Before 1916 a public garage or stable could locate next door to any home, apartment, or local store. This was a particular hardship to the small home-owner who was striving to pay off an instalment second mortgage and who all of a sudden saw the new garage or stable lessen the value of his home so that his equity was annihiliated. The new public garage or stable next to the established drug store or jewelry shop would drive away customers. The good-will of the small storekeeper would be destroyed. Before 1916 the striker could buy a strategic lot in a home neighborhood, obtain a permit for some injurious building and then sell out at a high price to the neighbors who had no other way of protecting themselves. Before 1916 the out-of-place grocery could seize any residential corner, pushing its plate glass front out to the street line and cutting off the front lawns of the small homes already built. If the grocer succeeded, a butcher and delicatessen shop preëmpted the other corners. Then the neighborhood began to decline, having lost its distinctive residential character. Before 1916 every detached house district was insecure. In proportion as the attractiveness of such a locality increased, apartments came in.

In some cases private restrictions retarded these invasions. But private restrictions were seldom applied to protect business or apartment house districts or the home localities of people of small means. Even in the highest class residential developments the restrictions would expire in fifteen or twenty years, after which the invasions would come with even greater speed Homes would be allowed to run down so that they could be destroyed without loss as soon as the private restrictions expired. Every home-owner was compelled to start an injunction suit on the slightest violation of the restrictions, otherwise the courts would say that the restrictions had been allowed to lapse. The zoning regulations, however, are permanent until the property owners themselves petition to change them. Building departments enforce them by refusing permits for non-conforming buildings or uses.

Before 1916 skyscrapers could cover the entire lot and extend to any height desired. Enormous cornices would further darken the canyon streets. No law required the division of light and air with one's neighbors, but the first skyscraper appropriated all there was. With zoning began the new era of skyscraper architecture,—pyramid buildings instead of buildings like packing boxes set on end. The new type of high buildings has already become a predominating feature of uptown Manhattan. Streets are lighter and more attractive.

The first ten years of zoning have established its usefulness. The next ten years should make it a better instrument to prevent congestion.

Edward M. Bassett.

⁂

The Albert Russel Erskine Bureau for Street Traffic Research.—The Albert Russel Erskine Bureau for Street Traffic Research, which bears the name of the president of the Studebaker Corporation of America, has been established in Harvard University for the purpose of scientific investigation of various aspects of the street traffic problem. The Bureau was created by the President and Fellows of the University as the result of a grant by the Studebaker Corporation through the interest of Mr. Paul G. Hoffman, its vice-president, and formerly president of the Los Angeles Traffic Commission.

Under the direction of the Bureau extensive investigations will be made of conditions in American cities affecting street accidents and congestion. Special attention will be given methods for the reduction of congestion, pedestrian protection, mechanical and automatic regulating devices, simplicity and uniformity in local regulation, administrative reorganization for effective traffic control, and adequate judicial processes for law enforcement. The results of these studies will be published from time to time.

Public officials dealing with street traffic matters are invited to present their special problems to the director of the Bureau who will freely give his assistance. While there has been no intention of establishing a consulting organization, officials who are confronted with street traffic problems promising valuable general conclusions, may arrange for the personal services of the director.

Two Albert Russel Erskine Research Fellowships in the Graduate School of Arts and Sciences have been established in connection with the Bureau. These fellowships pay a stipend of one thousand dollars each per year, and are designed to encourage research and a professional interest in traffic engineering. Persons holding A.B. degrees from accredited institutions and possessing other suitable qualifications are eligible for appointment.

The Bureau is under the direction of Miller McClintock, director of the Harvard University Bureau for Municipal Research. He is the author of "Street Traffic Control," and as consultant to the Los Angeles Traffic Commission was the originator of the Los Angeles Traffic Code. Dr. McClintock is also technical consultant to the Metropolitan Street Traffic Survey of the Chicago Association of Commerce and to the Traffic Survey Committee of the City and County of San Francisco.

◆

The Gasoline Tax is now in force in forty-five states and the District of Columbia. The highest rate is five cents per gallon and is found only in Kentucky and South Carolina. The lowest rate is one cent per gallon, and is found only in Rhode Island and Texas. The modal rate, adopted by twenty-one states is two cents per gallon.

H. G. Hendricks, writing in the October *Bulletin* of the National Tax Association, points out the remarkable elasticity of the gasoline tax. Increase in rates seem always to return proportional increases in receipts. The reason is, of course, that the demand for gasoline is quite inelastic, so that a change in price of one, two or three cents per gallon seems not to affect consumption materially. Opponents of the gasoline tax in New Jersey and New York, two of the four states in which you can still buy gas tax-free, have observed in other states a tendency to increase the rate and assert that there is no telling where it will stop. In but eight states has the rate not been increased, but in four of these the tax has been in effect only two years.

The following table reprinted from the *Bond Buyer*, gives at a glance the present rates throughout the United States.

Amount per Gallon	*States*	
5c	Kentucky South Carolina	
4½c	Virginia	
4c	Arkansas Florida Georgia	North Carolina Mississippi Nevada
3½c	Utah West Virginia	
3c	Arizona Idaho Indiana Maine Tennessee	New Mexico Oklahoma Oregon South Dakota
2½c	Wyoming	
2c	Alabama California Colorado Connecticut Delaware Iowa Kansas Louisiana Maryland Michigan Minnesota	Missouri Montana Nebraska New Hampshire *North Dakota Ohio Pennsylvania Vermont Washington Wisconsin (Dist. of Columbia)
1c	Rhode Island Texas	

* North Dakota recently voted on raising the gas tax from one cent to two. Unofficial advices are that the proposition carried.

◆

The Traffic Problem plays no favorites. In village and metropolis we find police officials, city councils and chambers of commerce tortured by traffic difficulties. In various cities special traffic commissions are studying vehicle flow and devising new ways of controlling it.

The recent report of the Norfolk (Va.) Traffic Commission surveys the entire local situation. Considerable space is given to the pros and cons of parking but no principles to govern it are proposed. The commission finds that the volume of vehicle traffic passing a given spot is no measure of the value of the property for mercantile purposes, and that the central business district is in danger of decay because of the decentralizing trend towards community business centers. The defense against such decay, it is said, lies in the better regulation and routing of traffic.

Another recent traffic study made by the New York Conference of Mayors in coöperation with the Metropolitan Life Insurance Company relates to Albany, N. Y. An important feature of this report is the analysis of street accidents occurring in that city during 1925. In that year 679 automobile accidents were reported to the police. Sixty-four per cent involved pedestrians; 46 per cent happened between intersections on straight, level streets; 75 per cent occurred on dry roads, 76 per cent during clear weather; and 62 per cent in daylight. In other words, an average of about 65 per cent of all automobile accidents happened under the most favorable driving conditions possible. Only 4 per cent of the drivers involved were women.

The Progress Report of the National Highway Traffic Association's Committee on Electric Traffic Signals is another brief document which will be appreciated by officials responsible for traffic control because of the practical advice regarding location of traffic signals and traffic movement. The report is liberally illustrated with figures showing proper location of various types of signals, and explaining traffic cycles, et cetera. Methods of solving the "left turn" difficulty are shown. Although recognizing that prohibition of left turns reduces confusion at any particular intersection, the report points out that this practice materially adds to the number of turns and the total distance traveled by a vehicle in reaching a given point. The result is, therefore, to increase congestion artificially at neighboring corners.

⁂

Rochester Must Resist Temptation of Special Assessment Bonds.—The common council of the city of Rochester, N. Y., has before it a proposed "local law" which, if enacted, would authorize the issuance of special assessment improvement bonds to contractors in payment for work involving a local assessment on benefited property. These bonds would be similar in many ways to the L. I. D.'s issued out in Washington, many of which are now in default. While issued and signed by the city treasurer and comptroller, the bonds would be payable solely out of benefit assessments equal in amount to the bonds issued. Apparently, no provision is made to assure payment of all bonds of an issue in the event of there being a delinquency in assessment payments. As in the case of the Washington type of bond, bonds would be paid off in their numerical order.

Under section 4 of this "local law," the city is given the authority to set up a "revolving fund" to buy up special assessment bonds, borrowing on the city's general credit for this purpose, but there is nothing in this section which makes it mandatory for the city to contribute to this fund.

Believing it altogether improbable that the responsible fiscal advisers of Rochester were in favor of this dangerous plan of financing public improvements, *The Bond Buyer* has sought the views of City Comptroller Joseph C. Wilson, and is in receipt of a letter from that official stating that the proposal was introduced in the common council without being submitted to the comptroller for advice and suggestion and that to date his office has not been consulted on the proposed plan or any particular feature of it. Mr. Wilson considers it a bad practice for the city to pass such a law which, as far as he has been able to get any information, has not worked out satisfactorily in cities where a similar law has been in effect.

Rochester enjoys the very highest credit rating in the bond market, despite the fact that its debt is within a slim margin of the 10 per cent constitutional limitation. To embark on this proposed plan of issuing through contractors a special assessment bond of such character as dealers in high-grade municipal issues would not care to handle would unquestionably result in the serious impairment of the general credit of Rochester, not to mention the costliness of the borrowing to the property owners upon whom the assessments were made.

It is difficult to believe that there is a genuine need for improvements so great as to justify a city like Rochester resorting to special assessment financing of this character.—*The Bond Buyer*.

⁂

Tax Classification Loses in Illinois.—The proposed amendment to the Illinois constitution permitting the legislature to classify property for taxation if a two-thirds vote of the legislature could be secured in favor of such new legislation, was defeated at the election of November 2. A favorable majority was cast for the measure, but not a majority of all those voting at the election.

Again Illinois has suffered by virtue of a difficult amending procedure. A commendable measure may receive a majority of those voting on it, but to expect that it can secure a majority of all voting at the election when the election involves a stiff fight for governor or United States senator is to covet almost the impossible.

Moreover, many saw in the carefully guarded right to classify property an entering wedge for a state income tax, as indeed it was, and those who fear an income tax voted no.

◆

Important International Conference.—The International Congress of Administrative Sciences will hold its third meeting in June 1927 in Paris. This Congress held its first meeting in Brussels in 1910, second meeting in Brussels in 1923 and plans to hold meetings at intervals of three years. The Congress is widely attended by the leading administrators of all of the European countries, and furnishes an unusual occasion to get in touch with responsible officials in charge of public administration. The meetings are conducted ordinarily in French, but each delegate is allowed to use his own language. It is expected that a number of American administrators and students of administration will attend the Paris Congress. Correspondence with regard to the Congress should be addressed to Professor Leonard D. White, University of Chicago, Chicago, Ill.

◆

Newport, a staid Rhode Island city, adopted a city manager charter on November 2 by an overwhelming majority. Every ward and every district of every ward voted aye. The charter now goes to the state legislature for final passage. Various officers of the League have appeared in Newport on behalf of manager government, and the Volunteer Citizens' Committee writes, "We wish to thank the National Municipal League for their valuable assistance and aid." Professor Edwin A. Cottrell, who made his home in Newport during the past winter, was resident adviser in the preparation of the charter draft.

◆

Voting Machines Break into New York City.—More than 600 voting machines were in use at the election last month in New York City. They proved entirely satisfactory from a mechanical standpoint, and thanks to the advance educational campaign, there was little confusion among the voters facing them for the first time. A local newspaper received complete returns from one precinct two minutes after the polls closed.

Readers will recall the long, and finally unsuccessful, fight made by the Democratic organization to thwart the action of a Republican legislature which imposed the machines upon the city. Present indications are that at least 1500 more will be installed in 1927 and that by 1928 the whole city will be equipped with the automatic counters.

◆

Louis Brownlow, former city manager of St. Petersburgh, Va., and Knoxville, Tenn., and a member of the council of the National Municipal League, will conduct a syndicated daily column in newspapers throughout the United States on the subject of municipal government. Before he was appointed commissioner of the District of Columbia in 1915, he had been for fifteen years a successful newspaper man, and his friends will be delighted to know that in returning to his first love he will make available to millions the benefits of his peculiar experience and extensive knowledge of city government. A question and answer department is to be one of the features of his column, which will be distributed by Current News Features, Inc.

◆

Edward H. Bennett to Advise Treasury.—Secretary Mellon has announced the appointment of Edward H. Bennett of Chicago as consulting architectural specialist in connection with the public buildings work under the control of the Treasury.

Mr. Bennett is the senior member of the firm of Bennett, Parsons and Frost of Chicago, whose practice in city planning and civic embellishment extends throughout the country. He was associated with D. H. Burnham in the creation of the plans of the cities of Chicago and San Francisco, and at the present time is consulting civic-planning architect of the Chicago Planning Commission in its very extensive projects in civic planning.

Mr. Bennett's appointment will provide the Treasury with the benefit of the counsel and advice of a specialist having broad experience in the solution of problems similar to those which will arise in connection with the public buildings program of the United States government.

◆

Flexible Traffic Signal.—The Du Ponts announce a new type of traffic signal, equipped with a swivel spring arrangement which causes it to bend forward when struck by a vehicle and bob erect again after the colliding vehicle has passed. The vital mechanism is underground where it is not damaged by collisions. The signal is so compact that it can be placed between double car tracks. The "stop" and "go" signs are so arranged that they are at the normal line of vision of the motorist. Their rotation is regulated from a central control system. This new type of traffic signal may be synchronized to flash "stop" and "go" at the same instant, or may be wired progressively, flashing one after another as vehicles proceed down a street.

❧

The Bureau of the Census reports that in 1925, twenty-six states reduced their net debt $6,621,000. Twenty-two states, however, increased their net debt $125,304,000. The change during the year, therefore, amounts to an increase of $118,683,000.

The Bureau also reports an increase of $427,572,787 in the net debt of cities of 30,000 population or over for the year 1925, although 79 of the cities in this class showed a decrease. Atlantic City reported the largest per capita net debt, viz., $277.98. For 1925 the expenditures of cities in this class were $37.43 per capita.

❧

The Building Trend seems definitely to have started its swing downward. According to the United States bureau of labor statistics, the number of permits to construct residential buildings issued in 68 selected cities in the first half of 1926 numbered but 95,465 as against 117,345 for the same period of 1925. With respect to number of families provided for in new buildings the curve is likewise downward, falling in the first half of 1926 (in 65 identical cities) to 198,746 against 207,394 for the same period in 1925, and 203,037 in 1924.

❧

Direct Primary Repealer Lost.—As predicted in the last issue of the Review, the proposed amendment to the Ohio constitution repealing the direct primary failed by a large majority in the election of November 2.

❧

Efforts to Reduce the Salary of City Manager Ashburner of Stockton, California, by initiative petition failed when leading business men formed a committee to spread the advantages of manager government. The measure reducing the manager's salary was thereupon defeated by a large majority.

❧

The Silly Suit to oust City Manager Carr of Fort Worth, noted in the last Review as instigated by disgruntled persons, has collapsed. Mr. Carr has been leading a courageous movement to equalize tax assessments and to collect many thousands of dollars in delinquent taxes. Heretofore tax methods in Fort Worth have been very lax.

❧

By a Vote of Four to One the people of Los Angeles have recently approved water and power bonds amounting to twenty-one million dollars. The new money is for the use of the municipal water and power systems which were discussed by C. A. Dykstra in the October Review.

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC.,
Required by the Act of Congress of August 24, 1912,

Of NATIONAL MUNICIPAL REVIEW, published monthly at Concord, New Hampshire, for November 1, 1926,
State of New York, County of New York, SS.

Before me, a Notary Public in and for the State and county aforesaid, personally appeared H. W. Dodds, who, having been duly sworn according to law, deposes and says that he is the editor of the National Municipal Review and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management (and if a daily paper, the circulation), etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in section 411, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:
    Publisher, National Municipal League, 261 Broadway, New York.
    Editor, H. W. Dodds, 261 Broadway, New York.
    Managing Editor, None.
    Business Managers, None.
2. That the owner is: The National Municipal Review is published by the National Municipal League, a voluntary association, incorporated, 1923. The officers of the National Municipal League are Frank L. Polk, President; Carl H. Pforzheimer, Treasurer; H. W. Dodds, Secretary.
3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: None.
4. That the two paragraphs next above, giving the names of the owners, stockholders, and security holders, if any, contain not only the list of stockholders and security holders as they appear upon the books of the company but also, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner; and this affiant has no reason to believe that any other person, association, or corporation has any interest direct or indirect in the said stock, bonds, or other securities than as so stated by him.

H. W. DODDS,
Editor.

Sworn to and subscribed before me this 23rd day of November, 1926.
[SEAL] Notary Public, Westchester Co., N. Y.
Certificate files in New York Co. No. 321.
New York County Register's No. 7348. (My commission expires March 30, 1927.)

F. GEORGE BARRY.

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